

OSAWATOMIE CITY COUNCIL
AGENDA
April 23, 2015
6:30 p.m., Memorial Hall

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. Approve April 23 Agenda
 - B. Approve Fireworks Stand and Fireworks Display
 - C. Approve Special Events Permit for Osawatomi Alumni Association
6. Presentations; Comments from the Public
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
 - A.
7. Public Hearing – none
8. Unfinished Business
 - A.
9. New Business
 - A. Election Results – Administer Oath of Office
 - B. Elect Council President and Vice President
 - C. Appointments – Council Liaisons & KMEA Director #1
 - D. Approve Official City Depository
 - E. Canopy Purchase for Sports Complex
 - F. Discussion of Certificates of Appreciation for Board/Committee Members
 - G. Discussion of Draft Nuisance Ordinance
10. Council Reports
11. Mayor’s Report
12. City Manager’s Report
13. Executive Session
14. Other Discussion/Motions
15. Adjournment

REGULAR MEETING – May 14, 2015

REGULAR MEETING – May 28, 2015

CITY OF OSAWATOMIE

439 Main Street
PO Box 37
Osawatomie, KS 66064

Phone: (913) 755-2146
Fax: (913) 755-4164
cityclerk@osawatomi.ks.org

20 15

APPLICATION FOR FIREWORKS STAND PERMIT

Name of Stand Dale & Jo's Discount Fireworks

Location of Stand 1306 Sixth St. of Storage same

Applicant's Name Jo Slaw

Address 1427 W 31st.

City/State/Zip Paola KS 66071

Home Phone No. _____

E-mail Address _____

Federal ID No. _____ State of KS Tax ID No. _____

I understand and agree to follow the laws of the State of Kansas and the Ordinances of the City of Osawatomie. I have received a copy of City of Osawatomie Code 2010, Chapter 7, Article 3. The application fee does not guarantee issuance of a permit. Final approval is subject to inspection approval at the time of setup.

Applicant's Signature Jo Slaw Date 03.12.15

Applications for the sale of fireworks shall be filed with the City Clerk between January 1 & May 31 of the year in which the permit is to be effective. Upon submittal of the application with the permit fee, the City Council will consider the application for approval at their next regular scheduled meeting. However, all necessary documents must be received by the City Clerk at least 5 working days before a Council meeting if wanting approval before the May 31 deadline. Those documents are listed below in bold.

FOR OFFICE USE ONLY

Date of Application 3-12-15 Receipt # 49116 [1.500405]
 Stand Fee \$1,000.00 Check # 5121

on file **Drawing**

na **Certificate of Insurance — City of Osawatomie MUST be named as ADDITIONAL INSURED**

na **If located in a tent, proof of flame retardant**

na **Letter of Permission from property owner (if applicable)**

na **Letter(s) of Permission from property owner(s) of structures, etc. within 50' (if applicable)**

na **Electricity Temporary Hookup** Receipt # 49116 Check # _____ [3.500801]
 na? _____ Receipt Copy Given to Utilities

_____ Council Approval Date
 _____ Endorsement of Chief of Police, Fire Chief, Utility Distribution Supervisor & Building Official
 (Inspection sheet attached)
 _____ Permit Approved by City Clerk Signature _____

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2015

APPLICATION FOR FIREWORKS DISPLAY PERMIT

Chapter 7, Article 3, Subsection 306 of 2010 Municipal Code

Purpose of Event Annual City of Osawatomie Public Fireworks Display

Applicant's Name City of Osawatomie

Address PO Box 37, Osawatomie, KS 66064

Phone Number 913-755-2146 Emergency Number 913-755-2101

Name of Public Fireworks Display Operator Dan Macek

Kansas State Fire Marshal License Number MIFOO006

Date & Time of Discharge July 4, 2014 at dusk

Site Address Osawatomie City Lake

Supplier Name Aerial FX, Inc. Phone Number 816-238-2800

Address 121 SE Turner Road, St. Joseph, MO 64504

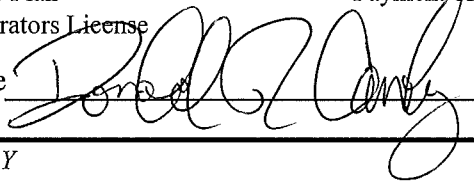
Anticipated Need for Police, Fire or other City services _____
Tanker truck, firemen, police officers

Copies of the following, when applicable, are part of the application and must be received at least 30 days prior to the date of the display to be eligible for consideration:

Certificate of Insurance
Detailed Site Plan
Display Operators License

Type and Number of Fireworks - detailed list
Payment of Permit Fee

Applicant's Signature



Date

4-21-2015

FOR OFFICE USE ONLY

Date of Application 20-Apr-15

Receipt Number NA

Cash NA Check # NA

NA Certificate of Insurance

NA Detailed Site Plan

NA Display Operators License

NA Type & Number of Fireworks - detailed list

NA Council Approval Date

NA Fire Chief Approval Date

Signature NA

NA Utility Distribution Supervisor Approval

Signature NA

NA Permit Approved by City Clerk

Signature NA

SPECIAL EVENT PERMIT

RESPONSIBILITIES AND RESTRICTIONS

Area. Special event area should be specifically defined. The area may not need to be fenced, but permit holder is responsible for ensuring public consumption occurs within the defined area.

Containers. No glass bottles or containers allowed. Only plastic or aluminum containers. When sold to the public, contents of glass bottles may be served to the public in allowed containers, but shall not leave the service area. Servers are responsible for appropriate disposal of all glass.

Fees and Deposit. The fee may be waived by the City Manager for special events that don't allow CMB or alcohol consumption, depending on impact on public services, City sponsorship, or whether event is revenue generating. Deposit will be established based upon the consumption of CMB or alcohol, area used and nature of event. Deposit will be at least \$100 and as much as \$2,500, but may be waived by City Manager for City sponsored events.

Clean up. Event area must be cleaned up and trash removed by time stated on the permit and road closure times must be met. Failure to do so may result in the forfeiture of the deposit and denial of future permits.

Security. Permit holder should supply their own security unless a City sponsored public event and security has been coordinated with the Osawatomie Police Department. Security of permit holders are responsible for removing drunk patrons that are a nuisance or danger to other attendees or the general public.

Minors in Possession. Permit holder is responsible for prohibiting underage possession and consumption of CMB or alcohol and must have an approved plan submitted to the City prior to permit approval.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: April 23, 2015
AGENDA ITEM: Election Results and Appointments
FROM: Ann Elmquist, City Clerk

- 9.A. Election Results – Administer Oath of Office
The City Clerk will read the results of the election and administer the oath of office to the newly elected members of the Governing Body.
- 9.B. Elect Council President and Vice President
The Council needs to elect a president to preside in the absence of the mayor and also a vice president.
- 9.C. Appointments

COUNCIL LIAISONS (Council members that served this past year)

Economic Development	Ted Hunter
Historic Preservation	Karen LaDuex
Library Board	Karen LaDuex
Parks & Recreation Commission	Nick Hampson
Planning Commission	(governed by State Statutes)
Public Safety Committee	Tamara Maichel
Tourism Committee	none

OTHER

KMEA Board of Directors 2-year term	Director #1	City Manager served
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- 9.D. Approve Official City Depository
First Option Bank has been the City’s official bank
A motion is needed.

Janet White
Miami County Clerk
201 S. Pearl, Suite 102
Paola, Kansas 66071



Phone: (913) 294-3976
Fax: (913) 294-9544
countyclerk@miamicountyks.org
www.miamicountyks.org

Osawatomie City Hall
Attn: Ann Elmquist
PO Box 37
Osawatomie, KS 66064

I, Janet White, Miami County Election Officer, do hereby certify the votes for the April 7, 2015, City/School General Election as canvassed by the Miami County Board of Canvassers on April 13, 2015, in the Public Information/Election Verification Room, and hereby declare the following election results.

Mayor

L. Mark Govea 295*
Write-in Votes 21

City Council Ward 1

Matt Fields 18
Ted L. Hunter 38*
Rick E. McKinney 6
Write-in Votes 0

City Council Ward 2

Kirk Wright 93*
Write-in Votes 2

City Council Ward 3

Jeffrey D. Walmann 99*
Write-in Votes 1

City Council Ward 4

Nicholas Hampson 44*
Write-in Votes 0

DONE THIS 13th DAY OF APRIL, 2015.



Janet White
Miami County Clerk

CERTIFICATE

DIRECTOR # 1

KANSAS MUNICIPAL ENERGY AGENCY BOARD OF DIRECTORS

This Certificate duly documents the appointment of a **Director #1** to serve on the Board of Directors of the Kansas Municipal Energy Agency (KMEA) as provided for in Section 5.1 of the Agency's Bylaws.

I, the undersigned City Clerk of the City of Osawatomie, Kansas, a member of KMEA, do hereby certify that at a meeting of the City Governing Body duly held on the 23rd day of April, 2015;

Name: Donald Cawby

Title (if applicable): City Manager

who resides within the territory served by the City's electric utility, was appointed to serve on the KMEA Board of Directors for a two (2) year term beginning on May 01, 2015 and expiring on April 30, 2017.

I further certify that the foregoing appointment is reflected in the official Minutes of the Governing Body of the City for the meeting on the date indicated above.

This certificate is given this _____ day of _____, 2015.

City Clerk

_____, Kansas

ARTICLE IV

CORPORATE POWERS

Section 4.1. Except as may be specifically reserved to the Members in the Agreement or under the Act, all corporate powers of the Agency shall be vested in the Board of Directors.

ARTICLE V

BOARD OF DIRECTORS

Section 5.1. Selection of Directors. The property and business of the Agency shall be managed by the Board of Directors of the Agency. The Board of Directors shall consist of two (2) Directors for each Member, provided that there shall be not less than seven (7) Directors. The Directors shall be selected by the governing bodies of the Members. In the event that the number of Members is less than seven (7), each Member shall be represented by the number of Directors which would constitute a Board of Directors of not less than seven (7) Members, provided that each Member shall select the same number of Directors. Each Member must designate the two (2) Directors as "Director-1" and "Director-2".

The term of each Director shall be for a period of two (2) years except that the initial term of a number equal to one half of the Directors, comprised of those individuals designated as Director-2, shall be selected to a term of one (1) year. Any Director selected by a Member may be removed at any time by the Member selecting the Director. Each Director so selected shall reside within the territory served by the electric utility of the selecting Member and meet all other requirements of the Act and the Agreement. Any such selection (other than a replacement selection) shall occur prior to the annual meeting of the Agency. Written evidence of selection shall be forwarded by the City Clerk or other authorized official of the Member to the Agency in writing prior to the annual meeting. Each Director shall continue in office until a successor is selected in accordance with this *Article V*.

Section 5.2. Voting Powers. Each Member shall be entitled to one Director vote on the Board of Directors which shall be equal to the vote of every other Member. Such vote shall be cast on behalf of the Member by Director-1 of such Member, if present; if such Director-1 is not present then by Director-2. Other than actions required in *Article XII* hereof, all actions of the Board of Directors shall be made upon affirmative vote of a majority of the Directors entitled to vote and voting on such action.

Section 5.3. Compensation. Except as may be specifically authorized by the Board of Directors, no Director shall receive payment from the Agency for any time spent in attending meetings of the Board of Directors or otherwise conducting business of the Agency. To the extent that funds are available, the Board of Directors, the Executive Committee, or the General Manager may authorize payment of expenses for travel in connection with the business of the Agency for other than meetings of the Board of Directors pursuant to the Act.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: April 23, 2015

AGENDA ITEM: Sports Complex Canopy & Budget

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: There has been a lot of support for the concept of putting a shade structure or canopy in the middle of the sports complex to tie the project together and provide additional shade for spectators and participants during the heat of the summer. Attached is a proposal for a 47' octagon shade structure with pictures of the type of structure and specifications for its installation. We estimate the entire budget to be \$15,000 with, \$12,000 for the canopy and about \$1,600 for footings.

We have also included a revised project budget for the complex. The budget has increased slightly, but about half of the \$8,500 is in fuel, which we plan to pay for out of operating expenses. The remainder of the budget overage will be within the contingency amount of \$6,500. The final costs will be accurately adjusted during the 2015-2016 budget process.

COUNCIL ACTION NEEDED: Consider the proposed canopy.

STAFF RECOMMENDATION TO COUNCIL: Approve the purchase of the proposed canopy as presented.

SPORTS COMPLEX
REVISED CONSTRUCTION BUDGET & TO DATE COSTS

Description	Original Estimate	Project to Date	% Remaining	Estimated Budget Remaining	Revised Project Budget	(+/-)
Concrete	\$ 25,300.00	\$ 14,818.50	41.4%	\$ 13,200.00	\$ 28,018.50	\$ 2,718.50
Rock	3,200.00	4,969.89	-55.3%	4,000.00	8,969.89	5,769.89
Top Soil		2,677.25	-	-	2,677.25	2,677.25
Sod	3,000.00	-	100.0%	12,600.00	12,600.00	9,600.00
Grass Seed	7,000.00	6,976.60	0.3%	-	6,976.60	(23.40)
Trench Drain	2,000.00	1,388.36	30.6%	500.00	1,888.36	(111.64)
Canopy	16,000.00	-	100.0%	15,000.00	15,000.00	(1,000.00)
Bleachers	15,400.00	-	100.0%	-	-	(15,400.00)
Picnic Tables	11,200.00	-	100.0%	11,200.00	11,200.00	-
CMP for RR Drainage	6,000.00	-	100.0%	6,000.00	6,000.00	-
Fuel		2,334.72	-	2,000.00	4,334.72	4,334.72
Miscellaneous		2,346.85	-	-	2,346.85	2,346.85
Subtotal	\$ 89,100.00	\$ 35,512.17	60.1%	\$ 64,500.00	\$ 100,012.17	\$ 10,912.17
10% Contingency	8,910.00	-	100.0%	6,563.15	6,563.15	(2,346.85)
TOTAL	\$ 98,010.00	\$ 35,512.17	63.8%	\$ 71,063.15	\$ 106,575.32	\$ 8,565.32
Over/(Under) Original Budget					\$ 8,565.32	



Md Materials Co

305 W Diamond Ave
 Gaithersburg, Md 20877
 301 840 0707 877 840 0707
 877 897 3451 FAX
 mdmail@mdmaterials.com

Estimate

Date	Estimate #
4/14/2015	8005

Name / Address
CITY OF OSAWATOMIE (KS) BLAKE MADDEN 820 LINCOLN AVE OSAWATOMIE, KS 66064 913-755-4525

Ship To

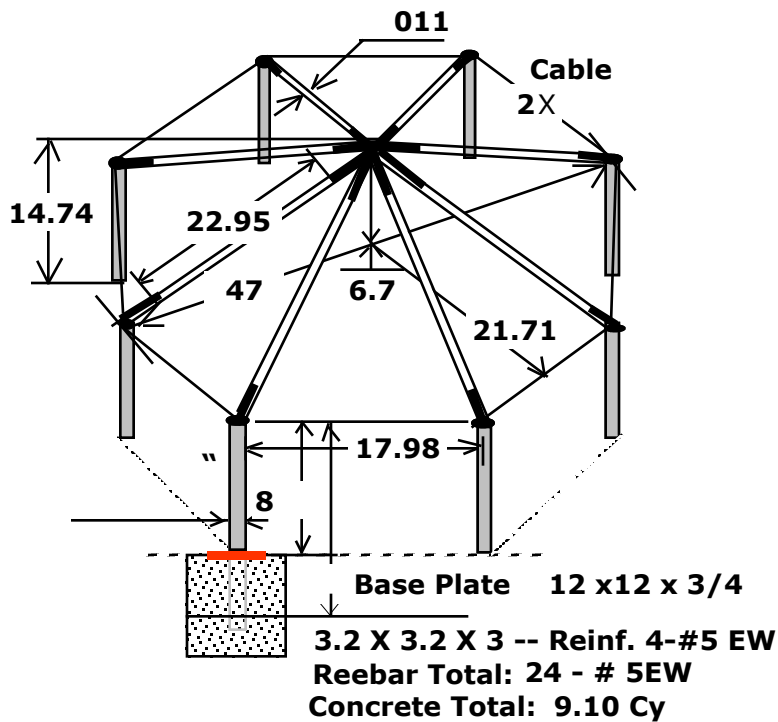
Project

Description	Qty	Cost	Total
OCYAGONAL SHADE STRUCTURE 47' DIAMETER 8' ENTRY HEIGHT ON BASE PLATES, COLUMNS 8" SCHED 40, RAFTERS 7" BY 5 BY 3/16"	1	10,239.00	10,239.00
SHIPPING if sealed drawings are required add \$ 550.00		1,925.00	1,925.00



THANK YOU PLEASE NOTE: DUE TO RISING FUEL COSTS, FREIGHT QUOTES ARE VALID FOR 14 DAYS ONLY. DUE TO RISING RAW MATERIAL COSTS , EQUIPMENT PRICING IS VALID FOR 30 DAYS, UNLESS OTHERWISE NOTED THANK YOU	Subtotal	\$12,164.00
	Sales Tax (0.0%)	\$0.00
	Total	\$12,164.00

Date	Description	Proposal #
4/14/2015		97706



TYPICALLY FOOTER SIZE SHOWN, ACTUAL FOOTER WILL VARY BASED ON LOCAL SOIL CONDITIONS AND APPLICABLE CODES.

QTY	D	H	DESCRIPTION
1	47	8	SOLAR SHADE STRUCTURE OCTAGON DESIGN 8 COLUMNS ON BASE PLATES POWDER COATING COLUMNS & HOOPS STEEL COLOR : TO BE SELECTED COLUMNS: AS PER ENGINEER SPECIFICATIONS DIA.6040 HOOPS: AS PER ENGINEER SPECIFICATIONS DIA. 5011 COVER: UV ULTRABLOCK "TM" FABRIC

Design by	Design for
	MARYLAND MATERIALS
	CHIP SOMMER
	1 877 840 Fax: 301-840-0857

150 Adamson Industrial Blvd, GA 30117 Tel:888-829-8997 Fax: 770 834-6495
www.superiorshadeinc.com Email:Sales@superiorshadeinc.com

Shade Structures and Playground Shades **Hexagon and Octagon Designs**

[Colors](#) | [Prices](#)

These shade structures are perfect for your playground and other outdoor use areas. These sun shades protect your children's health from the damage caused by overexposure to the sun's rays, and they provide areas of cool shade. Use these sturdy shade structures to keep your little ones cool and shade them from the sun. These shades are designed to industrial strength and engineered to withstand winds of 80 mph with fabric installed (the steel structure alone is rated to withstand 150 mph winds). They also offer an easy quick release system for removing the fabric for winter storage. With the sun growing stronger year-round, consider one of these professional shade structures for your protection needs.

The hexagon and octagon playground shades are available in 6- and 8-sided models with posts at the corners. The number of posts helps make these shade structures even more resistant to wind than other models.

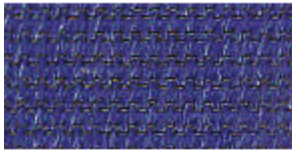


Some benefits of these shades include:

- Shade coverage of up to 99% UV screening, up to 92% shade (depends on color of fabric)
- Water repellence level of 80%
- Equipment that's cooler, longer -- protects fading of paint & plastic
- Children that stay cooler, for longer -- less heat exhaustion, sunburn, and sunstroke.
- Service life for years -- each shade comes with a 10 year limited warranty
- Wide selection of colored fabric and colored powder coating (for steel components)
- Custom sizes available. For more information, phone us at (877) 840-0707.

Colors available for shade fabric: True Blue, Midnight Blue, Forest Green, Bottle Green, Camel (plain beige), Plain Silver, Terracotta, Red, Yellow

Shade Canopies :: Available Colors



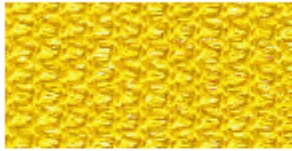
True Blue



Black



Forest Green



Yellow



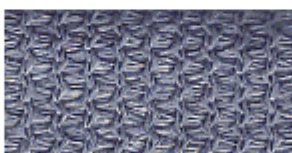
Sunblaze



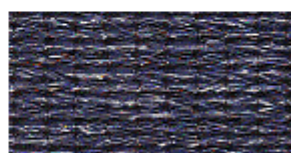
Rivergum Green



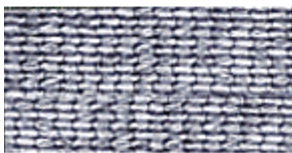
Plain Beige



Sky Blue



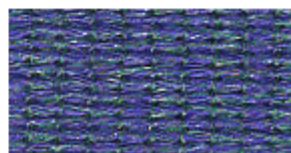
Navy Blue



Plain Silver



Plain Cream



Turquoise

Powder Coating colors for steel components: Red, Orange, Yellow, Blue, Tan, White, Black, Brown, Teal, Green, Fuchsia, Burgundy

Please note: The various sizes listed below do not cover our full line of structures -- custom units can be designed to fit your needs and playground. Also, prices listed below are for shade structures with quick-release Glide Elbows at each corner (the recommended configuration for seasonal removal of shade fabric). The standard configuration includes vertical posts that are secured in the ground with concrete, but a surface-mount option is also available at additional cost. Finally, the shade height shown is the height of the outside edge of the shade above ground level. This height does not include any depth needed below ground level, to account for playground surfacing materials.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: April 23, 2015

AGENDA ITEM: Certificates of Appreciation for Board Members

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: The Council has discussed the issue of providing better recognition for individuals that serve on appointed boards and committees for the City. After discussing with Councilwoman Maichel, we propose the following procedure be adopted for recognition of these individuals.

1. When appointed, the individual should be provided with an email (or letter/thank you card if they don't have email), which thanks them for serving and provides some basic information about the board they will be serving on.
2. When an individual completes one term (whether that is filling another's term or completing a full term), they will receive a certificate of appreciation upon completing service on the board.
3. If they do not complete a full-term or the term to which they have been appointed, no certificate will be provided. There may be some special occasions where individuals are also awarded a certificate, which will be at the discretion of the City Manager.
4. A reception, prior to a council meeting, will be held in late April or early May for those individuals that are leaving board. This reception may be in conjunction with councilmembers leaving service on the City Council as well. All such individuals will be presented with certificates at that meeting. If there individual is not there, we will mail the certificate to them.
5. Should an individual leave service after May and before January of each year and be eligible to receive a certificate, the certificate will be mailed to them and not held until the April. Those that leave service after January 1, will be invited to the reception and provided a certificate in person.

COUNCIL ACTION NEEDED: Review the proposed procedure.

STAFF RECOMMENDATION TO COUNCIL: Provide direction to staff on the proposal.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: April 23, 2015

AGENDA ITEM: Revised Nuisance Code

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: At the April 24, 2014 meeting, the Council received a draft revision of the City's nuisance code. The changes are being initiated by staff to address several issues with our current code. Those issues were: (1) parking in the yard and grass in the street provisions were removed in the last codification, (2) the lack of specificity in the current code, and (3) eliminate confusion between nuisance code and building code. There was also the need to consolidate the administrative provisions of the nuisance articles as each section stated process provisions in a slightly different manner.

This review is to determine whether the City wants to move forward with this revision to the nuisance code. Below is an overview of the major provisions in the act.

Administrative Provisions. We have made few changes, but consolidated these into one area. The hearing provision remains as it was before, with appeals going to the City Council. The Council should review whether this is the method desired for nuisance hearings. Alternatives could be: (1) appointing the City Manager, or his or her designee, as the hearing officer, or (2) designating a neutral third party administrative hearing judge (usually done in larger communities). **Staff recommends leaving as is.**

Health Nuisances. More detail is provided on types of nuisance violations. The City Attorney pointed out that this is likely to be needed in light of recent cases.

Yard Nuisances. A couple provisions borrowed from other communities may be a challenge for Osawatomie. The first is the drying of laundry in the visible front yard. The second is the requirement of landscaping to avoid dust nuisances. I also believe the provision on the amount of wood that can be stored on premise and the storage of building materials may also be

provisions that create some opposition. **Staff recommends removing any such specific provisions as desired by the Council.**

Vehicle Nuisances. Our current code only deals with junk or inoperable vehicles on private property. This revised ordinance places back in code provisions dealing with storage or parking of vehicles, RVs and other vehicles on private property. There are a few provisions where setting the limit may be the issue, such as length or tonnage. There is also a provision about parking a RV type trailers on the street. This should probably be expanded to include any trailers, but may be covered under other provisions.

Grass in the Street. The 2008 codification eliminated the prohibition against putting grass clippings in the street or public road.

Code has Precedence. This revision also states that in the circumstances of conflict with building or property maintenance code, the Municipal Code shall take precedence.

COUNCIL ACTION NEEDED: Review the information.

STAFF RECOMMENDATION TO COUNCIL: Provide direction to staff on the drafting a final ordinance and set a time table for adoption.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CURRENT NUISANCE CODES OF THE CITY BY AMENDING ARTICLES ONE THROUGH FIVE OF CHAPTER EIGHT AND ADDING A NEW SECTION TO ARTICLE TWO OF CHAPTER THIRTEEN OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE, KANSAS.

WHEREAS, the purpose of this ordinance is to protect, preserve, upgrade and regulate the environmental quality of industrial, commercial and residential neighborhoods in this City, by outlawing conditions which are injurious to the health, safety, welfare or aesthetic characteristics of the neighborhoods and to provide for the administration and enforcement thereof; and

WHEREAS, the City Council has found that there exists within the City unsightly and hazardous conditions due to: health hazards; harborage of vermin; dilapidation, deterioration or disrepair of structure exteriors; accumulations increasing the hazard of accidents or other calamities; uncleanliness; unsightly stored or parked material, equipment, supplies, machinery, vehicle parts; and

WHEREAS, such conditions are inimical to the general welfare of the community in that they have blighting influence on the adjoining properties, the neighborhood and the City, or are injurious to the health and safety of the residents of the City; and

WHEREAS, the governing body desires to promote the public health, safety of the residents of the City; and

WHEREAS, the governing body desires to promote the public health, safety and welfare by the repair, removal, abatement, and regulation of such conditions in the manner hereafter provided;

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

Section 1. Article 1 of Chapter 8 of the Code of the City of Osawatomie is hereby amended to read as follows:

ARTICLE 1. DEFINITIONS

8-101. DEFINITIONS. The words and phrases listed below when used in this Chapter shall have the following meanings:

(a) Abandoned or Inoperable Vehicle - shall mean:

(1) A condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purposes for which it was originally constructed, or

(2) The absence of a current valid registration plate upon such vehicle permitting that vehicle to be operated on the public streets and highways of the State of Kansas, unless the vehicle has a non-highway vehicle title issued solely because the vehicle was not manufactured for street use, or

(3) The absence of one or more of the parts of the vehicle necessary for the lawful operation of the vehicle on the public streets and highways, unless the vehicle has a non-highway title issued solely because the vehicle was not manufactured for street use, or

(4) The placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.

(b) Accessory Structure - shall mean a secondary structure detached from the principal structure but on the same premises, including, but not limited to, garages, sheds, barns, or outbuildings.

(c) Automobile repair - shall mean the repair or restoration of any motor vehicle body or parts, and shall include, without being limited to, glass installation and replacement, brake and muffler repair and replacement, window tinting, radio and stereo installation, tire and battery replacement, tune ups, repair and servicing of motor vehicle engines, including overhauls, transmission work, body work and painting.

(d) Building - shall mean any structure, whether public or private, that is adapted for occupancy as a residence, the transaction of business, the rendering of professional services, amusement, the display, sale or storage of goods, wares or merchandise or the performance of work or labor, including office buildings, public buildings, stores, theaters, markets, restaurants, workshops and all other houses, sheds and other structures on the premises used for business purposes.

(e) Commercial or Industrial - shall mean used or intended to be used primarily for the other than residential or agricultural purposes.

(f) Compost Pile - shall mean a mixture consisting of leaves, stems, grasses, dirt and other organic matter which shall be stored in an enclosure and used for garden soil conditioning purposes. Said enclosure shall be screened or placed in a manner which is not offensive to neighboring residents or the general public.

(g) Designated Driveway - shall mean the surfaced roadway leading from the street to the garage, covered parking area, or other permitted off street parking areas. Each residence is allowed on designated driveway for single family or duplex residences. The maximum width of the designated driveway for a single family residence or for each drive of a duplex is twenty-four (24) feet wide.

(h) Dilapidation, Deterioration or Disrepair - shall mean any condition characterized by, but not limited to: holes, breaks, rot, decay, crumbling, crackling, peeling or flaking paint, rusting, or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.

(i) Enclosed building - shall mean the primary structure or an attached garage fully enclosed by walls and a roof, with all windows or doors completely closed.

(j) Exterior - shall mean those parts of a structure which are exposed to the weather or subject to contact with the elements; including, but not limited to: sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors or signs.

(k) Front surface of a residence - shall mean that wall surface, or combination of surfaces, that is visible from the front lot line; provided, however that surfaces which are perpendicular or nearly perpendicular to the front lot line are excluded, as are surfaces of minor building projections such as fireplaces or bay windows.

(l) Front yard - shall mean a yard across the full width of the lot extending from the front line of the main building to the front lot line.

(m) Garbage - shall mean all kitchen and table refuse and every accumulation of animal, vegetable and other material that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, birds, grain, fruits, vegetables or other types of foods of whatever character and shall include all animal and vegetable refuse from kitchens and all household wastes that shall have resulted from preparation of food including tin cans and bottles.

(n) Graffiti - shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn, etched or otherwise placed on any structural component of any building, wall, rock, window fence, sidewalk, curb, tree, sign, gate, or other real or personal or private property or public or right of way, regardless of the nature of the material used in its application. “Graffiti” shall not include any permitted sign allowed to be erected by other City ordinances.

(o) Hearing Officer - shall mean a person appointed by the Governing Body to conduct the hearing pursuant to this Chapter.

(p) Litter - shall mean garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(q) Paved driveway or paved parking area - shall mean a hard-surfaced area designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. Such driveways and parking area shall include only that surface area that is continuously connected to a public or private street via a paved surface wide enough for use by a standard passenger car. The paving material for a “paved driveway or paved parking area” shall consist of concrete, asphalt, paving, brick or similar material. The term “paved parking area” may include a public or private street where on-street parking is permitted.

(r) Person - shall mean any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant, or lessee, whether or not in possession.

(s) Premises - shall mean any lot, plot or parcel of land including the structures thereon. Premises shall also mean any lot, plot or parcel of land without any structures thereon.

(t) Private property or private premises - shall mean any dwelling, house, building or other structure, designed or used wholly or in part for private residential purposes or commercial purposes or industrial purposes, whether vacant or not, and shall include any yard, grounds, parking area, walk, driveway, porch, steps, vestibule or mailbox appurtenant to such dwelling, house, building or other structure.

(u) Property Owner - shall mean any person, partnership or corporation who alone or jointly or severally with others has legal title to land and/or structures, or any person, partnership or corporation who is trustee or guardian of the estate of the title holder.

(v) Public Officer - shall mean a Police Officer employed by the City of Osawatometie or any other individual designated as a Public Officer by the City Manager.

(w) Public place - shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, spaces, grounds and buildings.

(x) Recreational Vehicle - shall mean any vehicles used for purposes other than the primary source of transportation for a household, including travel trailers, folding tent trailers, motorhomes, truck campers removed from a truck or pickup, horse trailers, boats over fourteen (14) feet in length with or without trailers, all-terrain vehicles and other similar vehicles. This definition shall not include mobile homes.

(y) Refuse - shall mean any and all accumulations of, but not limited to, putrescible waste material, garbage, trash, rubbish, ashes, dead animals, abandoned automobiles and parts thereof, solid market and industrial wastes and construction wastes, paper, packing material, pasteboard, cinders, metal, sod, dirt, sand, rocks, bricks, or other masonry, and small tree limbs under five (5) inches in diameter when cut to a length of not to exceed three (3) feet and tied in bundles. The term refuse shall include waste products from the construction, remodeling, demolition or repair of any building, or resulting from any construction or building operation.

(z) Resident or tenant - shall mean the person, partnership or corporation occupying or utilizing the primary structure on the site as a residence in a residential structure or as a business tenant in a nonresidential structure.

(aa) Residential - shall mean used or intended to be used primarily for human habitation.

(bb) Residential zoning districts - shall mean that land area, including public and private streets, that is contained within one of the zoning districts defined by the Land Development Ordinance of the City of Osawatometie as a residential district. This definition shall include those sections of public and private streets that abut residentially zoned land on both sides.

(cc) Rubbish - shall mean non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(dd) Section - shall mean the stated section of the Osawatometie Municipal Code.

(ee) Structure - shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including any appurtenances belonging thereto.

(ff) Trailers - shall mean a utility trailer having a gross weight less than fifteen hundred (1500) pounds.

(gg) Trash - shall mean combustible waste consisting of, but not limited to: cartons, boxes, barrels, excelsior, furniture, bedding, rags, leaves, metal, tin cans, glass, crockery, plastics, mineral matter, ashes, cement debris, or street rubbish and sweepings.

(hh) Vehicle or motor vehicle - shall mean any a currently licensed motorized or non-motorized conveyance that includes, but is not limited to an automobile, car, truck, tractor, trailer, motorcycle or watercraft, in operable condition.

(ii) Vehicle owner - shall mean the person, part ownership or corporation registered as the owner of a particular vehicle.

(jj) Weathered - shall mean deterioration caused by exposure to the elements.

(kk) Weeds - shall mean, as used herein, any of the following:

(1) Brush and woody vines shall be classified as weeds;
(2) Weeds and grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

(3) Weeds which bear or may bear seeds of a downy or wingy nature;

(4) Weeds which are known to cause allergic skin reactions or other serious medical conditions to the general public such as poison ivy, poison oak, poison sumac, and similar plants;

(5) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare; or

(6) Weeds and grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 12 inches in height.

(ll) Yard - shall mean the area of the premises not occupied by any structure. Any unenclosed building or structure (i.e. car port, porch, deck, and pool) is considered yard for the purpose of this Article but are not counted in the total open space.

Section 2. Article 2 of Chapter 8 of the Code of the City of Osawatomie is hereby amended to read as follows:

ARTICLE 2. NUISANCE ENFORCEMENT & ADMINISTRATION

8-201. PUBLIC OFFICER. The City Manager shall designate a public officer(s) to be charged with the enforcement of this Chapter.

8-202. RIGHT OF ENTRY. It shall be a violation of this Chapter to deny the public officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

8-203. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute a code violation.

8-204. ENFORCEMENT STANDARDS. No person shall be found in violation of this Chapter unless a public officer, after reasonable inquiry and inspection of the premises, finds evidence of nuisance conditions or other violations declared unlawful

as outlined in this Chapter.

8-205. *Reserved for future use.*

8-206. INQUIRY AND COMPLAINTS; INSPECTION.

(a) The public officer shall make inquiry and inspection of premises that a nuisance may exist under the following circumstances:

- (1) upon receiving a complaint or complaints that a nuisance exists; or
- (2) the officer personally observes conditions which appear to constitute a nuisance;

(3) receiving written or documented information from any other employee or officer of the City, state or federal government having jurisdiction or knowledge to provide observation or notification of conditions which appear to constitute a violation.

(b) Upon making any inquiry and inspection, the public officer shall make a written report of findings.

8-207. NOTICE OF VIOLATION; AUTHORITY TO ISSUE NOTICE TO APPEAR.

Any person, corporation, partnership or association found by the public officer to be in violation of this Chapter shall be sent a Notice of Violation by the public officer. The Notice of Violation shall state:

- (a) The address where the condition exists; and
- (b) The condition which has caused the violation of this Chapter; and
- (c) The person or entity in violation shall have 10 calendar days from the date of Notice of Violation to alleviate any nuisance violation of this Chapter except an exterior structure nuisance shall have 30 calendar days; or in the alternative,

(1) The person or entity in violation may enter into a written agreement with the City to alleviate the nuisance violation within a specified time limit if the public officer believes an extended period of time is warranted. Failure to eliminate the violation under the terms of the agreement waives the right to a hearing before the hearing officer and the person or entity in violation will be served a Notice to Appear in Municipal Court; or

(2) That the person or entity in violation may, within 10 calendar days from the date of the Notice of Violation, request in writing for a hearing on the matter as provided in Section 8-210.

(d) That failure to alleviate the condition will result in either,
(1) abatement of the condition by the City with the costs assessed against the property under Section 8-212; or

(2) the person or entity being served a Notice to Appear in Municipal Court for adjudication of the violation.

8-208. SERVICE OF NOTICES.

(a) Unless otherwise prescribed by Kansas statute, all written notices required to be given under the provisions of this Chapter may be served in the following manner:

- (1) By personal delivery at such person's residence—with an individual

18 years of age or older being a member of the family or cohabitant, or at such person's place of business with an employee of the business; or

(2) By certified mail, return receipt requested to the person in violation and also to the owner, if the City abatement is assessed to the property; or

(3) If the owner or the agent of the owner of the property has failed to accept delivery, or has otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

(4) If in the event the whereabouts of such person is unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the City Clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official City newspaper and by posting a copy of the resolution on the premises where such condition exists.

(b) In the case of notices issued for grass or weed nuisances, the City shall only provide one notice for each calendar year. All subsequent violations after the first notice, whether abated by the person in violation or by the City, will not require further notice in that calendar year before the City abates the grass or weed nuisance.

8-209. *Reserved for future use.*

8-210. HEARING.

(a) If a hearing is requested within the 10 day period as provided in Section 8-207, such request shall be made in writing to the **City Clerk**. Failure to make a timely request for a hearing shall constitute a waiver of the person's or entity's right to contest the findings of the public officer.

(b) The hearing shall be held by the **governing body**, as soon as **reasonably** possible after the filing of the request and the person or entity shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person or entity may be represented by counsel, and both parties, the person or entity and the City, may introduce such witnesses and evidence as is deemed necessary and proper by the **governing body**. The hearing need not be conducted according to the formal rules of evidence.

(c) Upon conclusion of the hearing, the findings of the governing body shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person by the City in the manner provided in section 8-208.

8-211. MUNICIPAL COURT; PENALTY. The public officer or City Prosecutor may file a complaint in the Municipal Court and serve a Notice to Appear against any person who receives a Notice of Violation and does not correct the violation(s) within the

allotted time or against any person that has failed under the terms of an agreement to eliminate the nuisance. Upon such complaint in the Municipal Court, any person found to be in violation of this Chapter shall upon conviction be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment for each offense. For the purposes of this Chapter, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist. If upon conviction of a nuisance herein under and it appears to the Court that the nuisance complained of is continuing, the Court may enter such order and shall deem appropriate to cause the nuisance to be abated.

- 8-212. ABATEMENT.** In addition to, or as an alternative to prosecution as provided in section 8-211, the public officer may seek to remedy violations of this Chapter in the following manner. If a person to whom an order has been sent pursuant to section 8-208 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time period specified in section 8-207, the public officer or other agents of the City may abate the conditions causing the violation at the end of 10 days after passage of the resolution.
- 8-213. COSTS ASSESSED.** If the City abates or removes the nuisance pursuant to section 8-212, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the City as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.
- 8-214. EMERGENCY ABATEMENT.** In order to enforce the provisions of this Chapter, when the public officer finds and determines that the severity of the violation warrants immediate action, the officer may cause the clean up or abate the violation thereof by any appropriate means. The cost of such emergency cleanup or abatement may be recovered by the City as provided in section 8-213. Such emergency cleanup or abatement will not relieve the person of further action which may be taken by the City including but not limited to, liability for any violations of this Chapter or any other applicable provisions of state law and local ordinances.

8-215. *Reserved for future use.*

8-216. **CONSTRUCTION.** Nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its laws nor to prevent or punish violations thereof. The powers conferred by this Article shall be in addition to the supplemental to the powers conferred by the Kansas Constitution, by any other law or by ordinance.

Section 3. Article 3 of Chapter 8 of the Code of the City of Osawatomie is hereby amended to read as follows:

ARTICLE 3. HEALTH & PROPERTY NUISANCES

8-301. **HEALTH NUISANCES.** It shall be unlawful for any person to maintain or permit any nuisance within the City as defined, without limitation as follows:

(a) Filth, excrement, lumber rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown, left, or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or premises whether vacant or occupied.

(b) All pools, spas, hot tubs and other bodies of water shall be properly maintained so as not to create a safety hazard, harbor insect infestation, become stagnant, polluted, deteriorated or blighted.

(c) Any place or structure or substance which emits or causes any offensive, putrescible, disagreeable or nauseous odors and stenches.

(d) Nauseous, putrescible, substances, carcasses of dead animals not removed within 24 hours after death.

(e) Attractive nuisances to children and other persons including, but not limited to:

(1) Abandoned, broken, or neglected household appliances, equipment and machinery. Abandoned or unattended iceboxes, refrigerators or other container (over 1.5 cubic feet in volume) that has an airtight door or lid not in actual use, unless the door or lid thereof is removed from.

(2) Unfenced or unmaintained pools, unused basements and excavations; any open cistern, cesspool, well, or other dangerous openings. All such places shall be filled, securely covered or fenced in such a manner as to prevent injury to any person, and any cover shall be of such a design, size and weight that the cover cannot be removed by children.

(f) Wastewater or sanitary sewage not managed or disposed of as provided in this Code

(g) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the City.

(h) Any condition which provides harborage or breeding environments for insects, mice, snakes or other vermin.

(i) All slop, foul or dirty water, filth, refuse or offal discharged through drains

or spouts or otherwise thrown or deposited in or upon any street, sidewalk, premises, park, public square, or public enclosure.

(j) Any condition which renders air, food or drink unwholesome, unsanitary or detrimental to health.

(k) Animals affected with disease or animal disease carriers, when the disease is one that may adversely affect the health of humans or other animals, **unless the animal is under the active treatment and care of a licensed veterinarian for such disease.**

(l) Pollution or contamination of any water supply or water course by sewage, industrial waste, chemicals, oil, junk, debris, or any other waste or product.

(m) Create or maintain any condition that obstructs or renders dangerous the use or passage of any park, stream, water course, sidewalk, parkway, public property, alley, street, highway or easement.

(n) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid, or gaseous) which is determined by a Public Officer to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety.

(o) Any other act, occupation, and use of property that in fact endangers or jeopardizes the public peace and safety.

8-302. YARD NUISANCE. It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood, or the City. This shall include conditions which are not readily visible from any public place or from any surrounding private property. A yard nuisance shall include, but not be limited to, the scattering over or the leaving, depositing, or accumulation on the yard of any of the following:

(a) Lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, boxes, barrels, drums, packing crates or pallets, salvage materials, junk or refuse, garbage, trash, litter or other materials except building materials to be used within ninety (90) days for construction on the premises if properly authorized by a current building permit and except properly maintained compost piles as defined by this Article shall not constitute a nuisance.

(b) Indoor furniture, appliances, mattresses, bedding, stoves, refrigerators, televisions, sinks, lawn mowers, shopping carts, or other such items of person property or general household items.

(c) In residential districts a maximum of 4 cords of wood on one premises and only in rear yard and neatly stored.

(d) All trees, hedges, signs, fences or other obstructions that violate the sight triangle requirements in the City Zoning Ordinance.

(e) All limbs of trees which are less than eight (8) feet above the surface of any public sidewalk or fourteen (14) feet above the surface of any street.

(f) The placement of clothes, laundry or washed articles in any portion of the front yard.

(g) Storing piles of dirt, rock gravel, sand, concrete, and other similar materials

for more than ninety (90) days unless the materials are part of a project for which a building permit has been issued or is part of a legitimate business allowed under and in compliance with the City's zoning regulations.

(h) Property lacking appropriate landscaping, turf, or plant material so as to cause excessive dust.

(i) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use, public sale, or for ornamental purposes.

(j) All articles or things whatsoever caused, kept, maintained, or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood.

8-303. EXTERIOR STRUCTURE NUISANCES. It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the City. This should not include conditions which are not readily visible from any public place or from any surrounding private property. Structure exterior nuisance conditions shall include, but not limited to, deteriorated, dilapidated, or unsightly:

(a) exteriors of any structure;

(b) exteriors of any accessory structure; or

(c) fences, walls, or retaining walls;

(d) refuse or personal property placed on rooftops;

(e) buildings, fences, signs, or other structures that are or have been abandoned, boarded up, partially destroyed, or permitted to remain in a state of partial construction for a period of ninety (90) days or more, (180 days for partial construction) and where continuation of the condition is unsightly or is hazardous to the public health, safety, or welfare.

(f) exterior nuisance conditions shall also include graffiti on the above listed exteriors.

8-304. *Reserved for future use.*

8-305. NOXIOUS WEEDS.

(a) Nothing in this article shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(b) For the purpose of this article, the term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea picris*), hoary cress (*Lepidium draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), burragweed (*Franseria tomentosa* and *discolor*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans* L.), Johnson grass (*Sorghum halepense*), Sericea Lespedeza (*Lespedeza cuneata*), or any other plant defined noxious weed as defined in Chapter 2, Article 13 or the Kansas Statutes Annotated.

Section 4. Article 4 of Chapter 8 of the Code of the City of Osawatomie is hereby amended to read as follows:

ARTICLE 4. ABANDONED OR INOPERABLE VEHICLES

8-401. ABANDONED OR INOPERABLE VEHICLES.

(a) Except as provided below, it is unlawful for any person to park, store, or leave or permit the parking, storing or leaving of any abandoned or inoperable vehicle on private property unless it is within an enclosed building.

(b) The provisions of this section shall not apply where there is only one inoperable vehicle on the private property and where the vehicle is inoperable for a period of fifteen consecutive days or less. Vegetation, including weeds and trees, growing on, around or within a vehicle to such an extent that it is obvious can be used as evidence that the vehicle has not been moved for at least fifteen (15) days.

(c) The provision of this section shall not apply to any person, firm or corporation, or their agent, who is conducting a business enterprise concerned with repair, sale or storage of vehicles in compliance with the existing zoning ordinance.

8-402. DISPOSITION OF VEHICLE; RECOVERY OF VEHICLE.

(a) Disposition of any motor vehicle removed and abated from private property pursuant to this Article shall be as provided by K.S.A. Supp. 8-1102, as amended.

(b) Any person attempting to recover a motor vehicle impounded as provided in this article, shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

Section 5: That Section 8-505 of Article Five of Chapter Eight of the Code of the City of Osawatomie is hereby amended to read as follows:

8-505. CONFLICTS BETWEEN THE 2006 BUILDING CODES, THE 2006 PROPERTY MAINTENANCE CODE AND THE MUNICIPAL CODE AND CITY ORDINANCES. In the event any conflict exists between the 2006 Property Maintenance Code and the 2006 Building Codes as adopted by Ordinance No. 3662, the 2006 Building Codes shall take precedence. When the 2006 Property Maintenance Code is in conflict with the Municipal Code or the Ordinances of the City of Osawatomie in existence as of January 1, 2014, the Municipal Code or Ordinances shall take precedence.

Section 6. Chapter 13, Article 2 of the Code of the City of Osawatomie is hereby amended by adding new section 13-216 which shall read as follows:

13-216. GRASS CLIPPINGS. It shall be unlawful for any person to mow, rake, deposit and/or place grass and weed clippings and other yard debris on, in or upon any

highway, road, street or alley within the City of Osawatomie, Kansas. It shall be the responsibility of the person conducting such yard maintenance, to remove or clean all grass, weed and leaves clippings and other yard debris from the street, gutters, road, highway and alley following completion of yard work. Any person violating this ordinance shall, upon conviction thereof, be fined in an amount not to exceed One Hundred Dollars (\$100.00). Each day's violation shall constitute a separate offense.

Section 6. There is hereby created a new Article 7 of Chapter 14 of the Code of the City of Osawatomie which shall read as follows:

ARTICLE 7. VEHICLE PARKING

14-701. TRAILERS; PARKING ON STREET.

(a) No trailer of any kind shall be left unattached when parked on a public street or right-of-way, unless otherwise permitted by the City for the following reasons:

(1) Activities related to a community event.

(2) Demolition or construction requiring location of an unattached work trailer on the street.

(3) Loading and unloading of a trailer, if it is determined by the City that leaving the trailer connected to a motor vehicle would cause unnecessary traffic congestion or create a safety hazard for the public.

(b) No trailer of any kind when attached to a vehicle, shall be parked a public street for a period of time exceeding 48 hours, and when so parked, shall be located no nearer to an intersecting street than 100 feet, from the intersecting curb lines of the two streets nor located so as to obscure any driver's view of approaching traffic.

14-702. RECREATION VEHICLES; PARKING ON STREET.

(a) No trailer, motorized self-propelled camper, non-motorized travel trailer, or boat, canoe, personal watercraft, all-terrain vehicle, or any other type of recreational vehicle when on or off a trailer, shall be parked at any time in the following locations except when actively loading and/or unloading:

(1) On Main Street Between 5th and 7th Streets

(b) No trailer, motorized self-propelled camper, non-motorized travel trailer, or boat, canoe, personal watercraft, all-terrain vehicle, or any other type vehicle when on or off a trailer, shall be parked a public street for a period of time exceeding 48 hours, and when so parked, shall be located no nearer to an intersecting street than 100 feet, from the intersecting curb lines of the two streets nor located so as to obscure any driver's view of approaching traffic. All trailers must be attached to a motorized vehicle. Parking of unattached trailers on a public must comply with this article.

14-703. RECREATIONAL VEHICLE PARKING ON STREETS. No motorized self-propelled camper, non-motorized travel trailer, or boat, canoe, personal watercraft,

all-terrain vehicle, other recreational vehicles, or vehicle, or trailer combination of vehicle and trailer shall be parked at any time in the following locations except when actively loading and/or unloading:

- (a) On Main Street Between 5th and 7th Streets

14-704. COMMERCIAL OR FARM OR LARGE VEHICLES IN RESIDENTIAL DISTRICTS.

(a) It shall be unlawful for any person to park any vehicle which exceeds eight (8) feet in width, or **twenty-one (21)** feet in length, or eight (8) feet in height, on any street in any residence district for more than two (2) hours, except when actively loading and/or unloading or within the performance of a service to or upon property abutting the area where the vehicle is parked.

(b) No heavy equipment, vehicle rated above **two tons** in gross weight, **farm or construction trailer attached or unattached to a vehicle**, **farm or construction machinery**, or farm implement shall be stored or parked within any residential district unless parked within an enclosed building or carport.

(c) **This section shall not prevent the parking of such vehicles meeting the following exemptions:**

(1) **the vehicle is part of community event and has received parking permission from the City.**

(2) **the temporary location of such vehicle or equipment on or adjacent to a property while actively engaged in a delivery, pick-up or service to the property.**

(3) **a vehicle which exceeds the requirements in this section by no more than 10 percent and is a vehicle that is used primarily as a passenger vehicle and not used for commercial purposes.**

(4) **a vehicle which has received a permit from the City for a single special circumstance, not exceeding twenty-four (24) hours during any thirty-day (30) day period.**

(d) 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.

14-705. ABANDONED VEHICLE ON PUBLIC STREET OR HIGHWAY. A person shall not use a public highway or street to abandon vehicles or use the highway or street 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, street or other property open to use by the public, the City, after 48 hours or when the motor vehicle interferes with public highway or street operations, may remove and impound the motor vehicle. (K.S.A. 8-1102)

14-706. *Reserved for future use.*

14-707. PARKING OFF STREET, IMPROVED PARKING SURFACE REQUIRED.

- (a) No person shall park a vehicle off the street in the front **or side yard** setback

area, which shall be defined as the area between the public right-of-way and the rear line of a building or any projection thereof, unless on parking or driveway surfaces required by the City Code.

(b) In residential areas, all vehicles (except RVs and trailers as provided in this Article) shall be parked in the following areas:

(1) on the designated improved parking area or driveway relating to the garage or carport.

(2) on an improved parking surface in the rear yard of the property, where the areas is in compliance with the City’s zoning regulations and ingress and egress to the rear yard is by a paved driveway or through an alleyway.

(3) in a designated parking areas for multifamily dwellings.

(4) in areas where there are no garages or carports, vehicles may be parked on the designated driveway constructed perpendicular to the street curb or surface to at least three (3) feet from the residence or the building setback. Such designated driveway should be located on the half of the lot closest to an interior lot line unless there are special circumstances approved by the building official.

(c) All new parking areas, including drives with street access, must be paved. Drives off an alley may be gravel.

(d) No parking shall be allowed in that portion of the street right-of-way not used for traffic movement (often referred to as the “berm”), unless specifically provided a special use permit as outlined in the City of Osawatomie zoning regulations.

(1) Any improvements in this area, including parking areas, will be subject to a site plan review and must meet the design criteria for hard surface on-street parking areas detailed in the City’s zoning regulations. Any such parking constructed utilizing all or part of the “berm” would be considered part of the street and therefore will be considered public parking.

(2) To construct such parking and gain City approval, the applicant must demonstrate the need for such parking and also demonstrate it is in the best interest of the public, surrounding properties and to the City for the improvements to be made.

(e) For residential lots, the total outside parking or storage of all allowable items and types of vehicles and trailers is 10% of the total lot area or 1,400 square feet whichever is less at a single or duplex family residence. Such vehicle parking shall not exceed 30% of the open space of the lot in the front yard or 50% of the open space of the lot in the front, side or rear yards up to the maximum allowable parking or storage space. All front yard parking areas shall be directly in front of any attached or unattached garage area and shall not otherwise be located directly in front of the primary structure.

(f) No parking shall be allowed to obstruct or limit access to a public sidewalk.

(g) No parking or storage of any vehicle or trailer is allowed on vacant lots in residential zones.

17-708. RECREATIONAL VEHICLE AND TRAILER PARKING OFF STREET,

(a) Recreational vehicles (RVs) or trailers must be owned by the property owner or resident and shall not be parked in the front building setback unless there

is no reasonable access to the building side yards or rear yards because of topography or other physical conditions on the site

(1) If parked in the front yard RVs or trailers must be at right angles (not parallel) to the street on a designated driveway not exceeding 24 feet in width. If the property has more than one driveway, then RVs or trailers must be at least three (3) feet from any side or rear lot line, if parked on a side yard facing a street it must be parked on the half of the side yard closest to the residence.

(2) RVs shall not intrude into public right-of-way or obstruct sight visibility from adjacent driveways.

(3) No RV may be used for overnight accommodation on a public right-of-way, unless provided a permit by the City and subject to the City's zoning regulations.

(4) If there is access to the side or rear yards, temporary parking of RVs or trailers on a driveway within a front yard setback is permitted for loading and unloading purposes not to exceed twenty-four (24) hours during an individual week.

14-709. *Reserved for future use.*

14-710. HABITUAL VIOLATOR.

(a) "Habitual Violator" shall mean any person who in the previous 180 days has done any of the following, in any combination, five or more times:

(1) Violated Sections 14-701 through 14-708 of this code, and amendments thereto.

(b) The thirty day period established above shall be measured from date of offense to date of offense.

14-711. ENFORCEMENT. The City Council or City Manager may determine that the provisions of this Article are not to be enforced because of a legitimate public purpose for a specified location or locations for a period not to exceed twenty-four hours.

14-712. FINES.

(a) Violation of this Article shall be punishable by a fine not less than \$30 nor more than \$100 for each offense. Each day's violation shall constitute a separate offense.

(b) Any person found to be a "Habitual Violator" as defined in Section 14-711 shall constitute a separate violation and shall be punishable by a fine not less than \$100 and not more than \$500. Each such finding in any 180-day period shall constitute a separate offense.

Section 7. EXISTING ARTICLES AND SECTIONS REPEALED. Article One, Article Two, Article Two-A, Article Three, Article Four, all in their entirety, and Section 8-505 of Article Five of Chapter Eight, of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance are hereby repealed.

Section 8. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this __th day of ____, 2015.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

CITY OF OSAWATOMIE - BUDGET REPORT

DATE: March 2015	BUDGETED	REIMBS	EXPENDITURES	UNEN BALANCE
GENERAL				
Administration	661,399.00		123,568.76	537,830.24
Codes Enforcement	130,862.00		16,892.44	113,969.56
Police	950,918.00		208,868.70	742,049.30
John Brown Cabin	38,049.00		7,693.32	30,355.68
Public Works	243,618.00		42,803.63	200,814.37
Swimming Pool	-		89.90	(89.90)
Properties & Maintenance	315,692.00		37,229.91	278,462.09
Fire	62,050.00		13,157.84	48,892.16
Municipal Court	143,324.00		28,938.69	114,385.31
Levees & Storm Water	14,030.00		1,250.27	12,779.73
Library	147,974.00	447.71	29,303.64	119,118.07
TOTAL	2,707,916.00	447.71	509,797.10	2,198,566.61
WATER				
Administration	331,147.00		65,838.00	265,309.00
Water Treatment	386,559.00		81,747.87	304,811.13
Water Distribution	263,742.00		68,696.08	195,045.92
TOTAL	981,448.00	-	216,281.95	765,166.05
ELECTRIC				
Administration	1,173,789.00		323,762.09	850,026.91
Electric Production	2,492,626.00		480,054.86	2,012,571.14
Elect Transmission	558,026.00		91,975.80	466,050.20
TOTAL	4,224,441.00	-	895,792.75	3,328,648.25
EMPLOYMENT BENEFIT	752,580.00	49,228.73	284,529.57	517,279.16
REFUSE	396,700.00		81,321.59	315,378.41
LIBRARY	106,394.00		647.66	105,746.34
RECREATION	4,268.00		3,390.05	877.95
RURAL FIRE	60,000.00		12,638.24	47,361.76
INDUSTRIAL	71,463.00		5,485.45	65,977.55
REVOLVING LOAN	-			-
SPECIAL PARKS & REC	159,813.00		31,699.77	128,113.23
ST IMPROVEMENT	157,980.00		621.67	157,358.33
BOND & INTEREST	766,705.00		66,882.50	699,822.50
PUBLIC SAFETY EQUIP.	3,704.00		-	3,704.00
FIRE INS PROCEEDS	-		-	-
SEWER	997,099.00		238,083.76	759,015.24
REC EMP BENEFITS	672.00		436.94	235.06
GOLF COURSE	270,362.00	-	120,934.86	149,427.14
SPECIAL REV (FIRE EQUIP)	-		-	-
SPECIAL REVENUE (911)	-		-	-
LLEBG GRANT	-		-	-
TOURISM	76,550.00	-	2,071.07	74,478.93
EVIDENCE LIABLITIY	-		-	-
CAPITAL - GENERAL	279,900.00		44,594.64	235,305.36
CAPITAL IMP. - STREET	1,365,979.00		12,377.10	1,353,601.90
CAPITAL IMP - SEWER	102,682.00	2,392.50	95,397.87	9,676.63
CAPITAL IMP - GRANTS	252,050.00		35,621.40	216,428.60
CAFETERIA 125 #50	52,500.00		10,893.27	41,606.73
COURT ADSAP #51	-		-	-
COURT BONDS #52	-		-	-
FOREITURES #53	-		300.00	(300.00)
OLD STONE CHURCH #54	-		-	-
PAY PAL #55	-		-	-
GRAND TOTAL	13,791,206.00	52,068.94	2,669,799.21	11,173,475.73

CITY OF OSAWATOMIE - CASH FLOW REPORT

Date: March 2015	BEGINNING BALANCE	REVENUE	EXPENDITURES	CASH BALANCE	ENCUMBERANCES (ORD.)	CASH BALANCE 3/31/2015
GENERAL OPERATING	234,071.92	811,780.27	509,349.39	536,502.80		536,502.80
WATER	122,292.04	205,704.66	216,281.95	111,714.75		111,714.75
ELECTRIC	622,115.36	986,714.69	895,792.75	713,037.30		713,037.30
EMPLOYEE BENEFIT	107,698.44	344,515.21	235,300.84	216,912.81		216,912.81
REFUSE	19,986.28	99,782.36	81,321.59	38,447.05		38,447.05
LIBRARY	102,054.01	1,365.48	647.66	102,771.83		102,771.83
RECREATION	3,267.99	122.06	3,390.05	-		-
RURAL FIRE	3,391.81	-	12,638.24	(9,246.43)		(9,246.43)
INDUSTRIAL	49,980.48	18,547.98	5,485.45	63,043.01		63,043.01
REVOLVING LOAN	72,758.43	179.76	-	72,938.19		72,938.19
SPECIAL PARKS & REC	90,821.54	22,357.45	31,699.77	81,479.22		81,479.22
STREET IMPROVEMENTS	127,185.86	29,754.26	621.67	156,318.45		156,318.45
BOND & INTEREST	119,631.91	284,574.37	66,882.50	337,323.78		337,323.78
PUBLIC SAFETY EQUIP.	3,704.23	-	-	3,704.23		3,704.23
FIRE INS PROCEEDS	0.84	-	-	0.84		0.84
SEWER	357,409.31	209,331.24	238,083.76	328,656.79		328,656.79
RECREATION BENEFIT	421.66	15.28	436.94	0.00		0.00
GOLF COURSE	6,362.09	128,844.92	120,934.86	14,272.15		14,272.15
SPECIAL REVENUE (911)	9,897.41	-	-	9,897.41		9,897.41
LLEBG GRANT	-	-	-	-		-
TOURISM	25,564.38	19,084.98	2,071.07	42,578.29		42,578.29
EVIDENCE LIABILITY	12,899.79	-	-	12,899.79		12,899.79
CAPITAL - GENERAL	227,418.52	30,000.00	44,594.64	212,823.88		212,823.88
CAPITAL IMP. - STREETS	65,978.61	-	12,377.10	53,601.51		53,601.51
CAPITAL IMP - SEWER	(139,871.62)	136,330.10	93,005.37	(96,546.89)		(96,546.89)
CAPITAL IMP - GRANTS	252,049.88	738.14	35,621.40	217,166.62		217,166.62
CAFETERIA 125 # 50	26,578.57	7,583.44	10,893.27	23,268.74		23,268.74
COURT ADSAP # 51	7,401.00	-	-	7,401.00		7,401.00
COURT BONDS # 52	7,249.54	1,000.00	-	8,249.54		8,249.54
FORFEITURES # 53	1,153.42	-	300.00	853.42		853.42
OLD STONE CHURCH # 54	-	-	-	-		-
PAYPAL # 55	95.65	(95.64)	-	0.01		0.01
TOTALS	2,539,569.35	3,338,231.01	2,617,730.27	3,260,070.09	-	3,260,070.09

CASH TRANSACTIONS REPORT

YEAR: THROUGH MARCH
City of Osawatomie

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4/13/2015
10:17 am

Account Number		Beginning Balance	Debit	Credit	Ending Balance
100.101 CASH & INVESTMENTS					
100.101 CASH & INVESTMENTS					
01-000-100.101	CASH & INVESTMENTS	234,071.92	864,427.19	561,996.31	536,502.80
02-000-100.101	CASH & INVESTMENTS	122,292.04	210,229.92	220,807.21	111,714.75
03-000-100.101	CASH & INVESTMENTS	622,115.36	1,027,552.12	936,630.18	713,037.30
04-000-100.101	CASH & INVESTMENTS	107,698.44	393,743.95	284,529.58	216,912.81
05-000-100.101	CASH & INVESTMENTS	19,986.28	99,782.36	81,321.59	38,447.05
06-000-100.101	CASH & INVESTMENTS	102,054.01	1,365.48	647.66	102,771.83
07-000-100.101	CASH & INVESTMENTS	3,267.99	122.06	3,390.05	0.00
08-000-100.101	CASH & INVESTMENTS	3,391.81	0.00	12,638.24	-9,246.43
09-000-100.101	CASH & INVESTMENTS	49,980.48	18,547.98	5,485.45	63,043.01
10-000-100.101	CASH & INVESTMENTS	72,758.43	179.76	0.00	72,938.19
11-000-100.101	CASH & INVESTMENTS	90,821.54	33,317.33	42,659.65	81,479.22
12-000-100.101	CASH & INVESTMENTS	127,185.86	33,750.33	4,617.74	156,318.45
13-000-100.101	CASH & INVESTMENTS	119,631.91	284,574.37	66,882.50	337,323.78
14-000-100.101	CASH & INVESTMENTS	3,704.23	0.00	0.00	3,704.23
15-000-100.101	CASH & INVESTMENTS	0.84	0.00	0.00	0.84
16-000-100.101	CASH & INVESTMENTS	357,409.31	214,833.62	243,586.14	328,656.79
17-000-100.101	CASH & INVESTMENTS	421.66	15.28	436.94	0.00
18-000-100.101	CASH & INVESTMENTS	6,362.09	131,728.47	123,818.41	14,272.15
19-000-100.101	CASH & INVESTMENTS	0.00	0.00	0.00	0.00
20-000-100.101	CASH & INVESTMENTS	9,897.41	0.00	0.00	9,897.41
21-000-100.101	CASH & INVESTMENTS	0.00	0.00	0.00	0.00
22-000-100.101	CASH & INVESTMENTS	25,564.38	19,084.98	2,071.07	42,578.29
23-000-100.101	CASH & INVESTMENTS	12,899.79	0.00	0.00	12,899.79
24-000-100.101	CASH & INVESTMENTS	227,418.52	30,604.38	45,199.02	212,823.88
25-000-100.101	CASH & INVESTMENTS	65,978.61	0.00	12,377.10	53,601.51
26-000-100.101	CASH & INVESTMENTS	-139,871.62	138,722.60	95,397.87	-96,546.89
27-000-100.101	CASH & INVESTMENTS	252,049.88	989.97	35,873.23	217,166.62
28-000-100.101	CASH & INVESTMENTS	0.00	0.00	0.00	0.00
30-000-100.101	CASH & INVESTMENTS	0.00	1,430,660.70	1,430,660.70	0.00
50-000-100.101	CASH & INVESTMENTS	26,578.57	7,583.44	10,893.27	23,268.74
51-000-100.101	CASH & INVESTMENTS	7,401.00	0.00	0.00	7,401.00
52-000-100.101	CASH & INVESTMENTS	7,249.54	1,000.00	0.00	8,249.54
53-000-100.101	CASH & INVESTMENTS	1,153.42	0.00	300.00	853.42
54-000-100.101	CASH & INVESTMENTS	0.00	0.00	0.00	0.00
55-000-100.101	CASH & INVESTMENTS	95.65	0.00	95.64	0.01
Total for 100.101		2,539,569.35	4,942,816.29	4,222,315.55	3,260,070.09
Total for 100.101		2,539,569.35	4,942,816.29	4,222,315.55	3,260,070.09
Grand Totals:		2,539,569.35	4,942,816.29	4,222,315.55	3,260,070.09

City of Osawatomie
Revenue Report
01/01/2015 to 03/31/15 PY YTD: 01/01/14 to 03/31/14

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change	Expected To Date \$	% Change
Fund 01- General Operating						
Taxes						
Ad Valorem Tax	299,404.20	320,940.55	21,536.35	7.2%	321,575.14	-0.2%
Del. Ad Valorem Tax	19,959.34	4,429.60	(15,529.74)	-77.8%	6,725.62	-51.8%
Total Taxes	319,363.54	325,370.15	6,006.61	1.9%	328,300.77	-0.9%
Intergovernmental						
City Sales Tax	63,216.54	62,341.48	(875.06)	-1.4%	62,917.18	-0.9%
County Sales Tax	83,979.66	85,058.93	1,079.27	1.3%	85,926.98	-1.0%
Compensating Use Tax-City	13,654.09	12,717.41	(936.68)	-6.9%	11,416.78	10.2%
Compensating Use Tax-County	13,684.43	14,196.39	511.96	3.7%	12,656.15	10.8%
Motor Vehicle Tax	16,094.00	17,243.30	1,149.30	7.1%	15,330.63	11.1%
Liquor Tax	745.70	675.41	(70.29)	0.0%	720.07	-6.6%
Special Assessment	-	225.00	225.00	0.0%	-	100.0%
Del Special Assessments	-	-	-	0.0%	-	-
RV Tax	193.87	149.27	(44.60)	-23.0%	142.01	4.9%
16/20M Vehicle Tax	-	-	-	0.0%	89.60	89.60
Comm Mtr Veh Tax	-	179.29	179.29	0.0%	-	100.0%
Grant Receipts (Non CDBG)	-	5,427.04	5,427.04	0.0%	5,000.00	7.9%
Total Intergovernmental	191,568.29	198,213.52	6,645.23	3.5%	194,199.39	2.0%
Franchise Fees						
Gas Company Franchise Fees	28,484.57	38,525.32	10,040.75	35.2%	33,850.81	12.1%
CATV Franchise Fees	6,928.94	6,803.56	(125.38)	-1.8%	7,752.06	-13.9%
Telephone Franchise Fees	6,080.20	4,407.00	(1,673.20)	-27.5%	3,372.08	23.5%
Electric Franchise Fees	1,199.12	2,044.62	845.50	0.0%	839.59	58.9%
Total Franchise Fees	42,692.83	51,780.50	9,087.67	21.3%	45,814.55	11.5%
Licenses and Permits	5,735.23	7,763.00	2,027.77	35.4%	4,452.94	42.6%
Charges for Services	9,245.00	7,519.00	(1,726.00)	-18.7%	14,525.00	-93.2%
Fines and Fees	24,557.03	20,501.17	(4,055.86)	-16.5%	29,398.88	-43.4%
Interest on Investments	3,205.15	3,065.85	(139.30)	-4.3%	3,294.21	-7.4%
Miscellaneous	160,887.91	197,567.08	36,679.17	22.8%	203,505.43	-3.0%
Sale of Fixed Assets	-	-	-	0.0%	-	-
Total Revenue	757,254.98	811,780.27	54,525.29	7.2%	823,491.16	-1.4%
Fund 02 - Water						
Charges for Services	198,256.37	201,629.98	3,373.61	1.7%	199,270.00	1.2%
Miscellaneous	3701.42	4074.68	373.26	10.1%	4,083.55	-0.2%
Total Revenue	201,957.79	205,704.66	3,746.87	1.9%	203,353.54	1.1%

City of Osawatomie
Revenue Report
01/01/2015 to 03/31/15 PY YTD: 01/01/14 to 03/31/14

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change	Expected To Date \$	% Change
Fund 03- Electric						
Charges for Services	1,039,385.44	941,489.38	(97,896.06)	-9.4%	964,683.70	-2.5%
Interest on Investments	205.24	206.20	0.96	0.5%	305.01	-47.9%
Miscellaneous	53,820.80	45,019.11	(8,801.69)	-16.4%	44,601.68	0.9%
Total Revenue	1,093,411.48	986,714.69	(106,696.79)	-9.8%	1,009,590.39	-2.3%
Fund 04- Employee Benefit						
Taxes						
Ad Valorem Tax	307,292.34	298,260.92	(9,031.42)	-2.9%	298,886.07	-0.2%
Del. Ad Valorem Tax	16,799.50	4,415.42	(12,384.08)	-73.7%	6,934.42	-57.1%
Total Taxes	324,091.84	302,676.34	(21,415.50)	-6.6%	305,820.48	-1.0%
Intergovernmental						
Motor Vehicle Tax	14,301.66	15,759.75	1,458.09	10.2%	15,806.85	-0.3%
RV Tax	172.33	136.82	(35.51)	-20.6%	146.62	-7.2%
16/20M Vehicle Tax	-	-	-	0.0%	-	-
Comm Mtr Veh Tax	-	184.86	184.86	0.0%	-	100.0%
Total Intergovernmental	14,473.99	16,081.43	1,607.44	11.1%	15,953.46	0.8%
Miscellaneous	24,739.93	25,757.44	1,017.51	0.0%	25,320.57	1.7%
Total Revenue	363,305.76	344,515.21	(18,790.55)	-5.2%	347,094.52	-0.7%
Fund 05- Refuse						
			-			
			-			
Charges for Services	98,780.92	99,542.36	761.44	0.8%		
Miscellaneous	150.00	240.00	90.00	60.0%		
Total Revenue	98,930.92	99,782.36	851.44	0.9%		

City of Osawatomie
Revenue Report
01/01/2015 to 03/31/15 PY YTD: 01/01/14 to 03/31/14

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change	Expected To Date \$	% Change
Fund 06-Library						
Taxes						
Ad Valorem Tax	-	-	-	0.0%		
Del. Ad Valorem Tax	58.40	-	(58.40)	-100.0%		
Total Taxes	58.40	-	(58.40)	-100.0%		
Grant Receipts (Non CDBG)	8,600.00	-	(8,600.00)	0.0%		
Interest on Investments	33.86	51.48	17.62	52.0%		
Miscellaneous	1,619.77	1,314.00	(305.77)	-18.9%		
Total Revenue	10,312.03	1,365.48	(8,946.55)	-86.8%		
Fund 07-Recreation						
Taxes						
Ad Valorem Tax	56.99	-	(56.99)	-100.0%		
Del. Ad Valorem Tax	1,308.43	122.06	(1,186.37)	-90.7%		
Total Taxes	1,365.42	122.06	(1,243.36)	-91.1%		
Intergovernmental						
Motor Vehicle Tax	1,949.71	-	(1,949.71)	-100.0%		
RV Tax	24.69	-	(24.69)	-100.0%		
16/20M Vehicle Tax	-	-	-	0.0%		
Total Intergovernmental	1,974.40	-	(1,974.40)	-100.0%		
Total Revenue	3,339.82	122.06	(3,217.76)	-96.3%		
Fund 08-Rural Fire						
Miscellaneous	3,826.40	-	(3,826.40)	-100.0%		
Total Revenue	3,826.40	-	(3,826.40)	-100.0%		

City of Osawatomie
Revenue Report
01/01/2015 to 03/31/15 PY YTD: 01/01/14 to 03/31/14

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change	Expected To Date \$	% Change
Fund 09-Industrial						
Taxes						
Ad Valorem Tax	-	-	-	0.0%		
Del. Ad Valorem Tax	6.81	-	(6.81)	-100.0%		
Total Taxes	6.81	-	(6.81)	-100.0%		
Miscellaneous	5,800.00	18,547.98	12,747.98	219.8%		
Sale of Fixed Assets	13,780.00	-	(13,780.00)	0.0%		
Total Revenue	19,586.81	18,547.98	(1,038.83)	-5.3%		
Fund 10-Revolving Loan						
Interest On Investments	-	179.76	179.76	0.0%		
Total Revenue	-	179.76	179.76	0.0%		
Fund 11-Special Parks & Recreation						
Intergovernmental						
Liquor Tax	745.70	450.40	(295.30)	0.0%	720.07	-59.9%
Grant Receipts (Non CDBG)	-	-	-	0.0%	-	-
Total Intergovernmental	745.70	450.40	(295.30)	0.0%	720.07	-59.9%
Charges for Services	7,008.95	-	(7,008.95)	-100.0%	-	0.0%
Miscellaneous	47,284.82	21,907.05	(25,377.77)	-53.7%	17,500.00	20.1%
Total Revenue	55,039.47	22,357.45	(32,682.02)	-59.4%	18,220.07	18.5%
Fund 12-Street Improvement						
Intergovernmental						
Gasoline Tax	28,284.33	28,479.26	194.93	0.7%	27,750.00	2.6%
County Connecting Links	-	1,275.00	1,275.00	0.0%	1,275.00	0.0%
Total Intergovernmental	28,284.33	29,754.26	1,469.93	5.2%	29,025.00	2.5%
Miscellaneous	-	-	-	0.0%	-	-
Total Revenue	28,284.33	29,754.26	1,469.93	5.2%	29,025.00	2.5%

City of Osawatomie
Revenue Report
01/01/2015 to 03/31/15 PY YTD: 01/01/14 to 03/31/14

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change	Expected To Date \$	% Change
Fund 13- Bond & Interest						
Taxes						
Ad Valorem Tax	136,016.80	151,664.18	15,647.38	11.5%	151,992.98	-0.2%
Del. Ad Valorem Tax	7,854.40	2,002.08	(5,852.32)	-74.5%	3,178.88	-58.8%
Total Taxes	143,871.20	153,666.26	9,795.06	6.8%	155,171.86	-1.0%
Intergovernmental						
Motor Vehicle Tax	7,473.16	7,256.61	(216.55)	-2.9%	6,547.71	9.8%
RV Tax	90.55	62.94	(27.61)	-30.5%	60.38	4.1%
16/20M Vehicle Tax	-	-	-	0.0%	-	-
Comm Mtr Veh Tax	-	81.81	81.81	0.0%	-	100.0%
Total Intergovernmental	7,563.71	7,401.36	(162.35)	-2.1%	6,608.09	10.7%
Miscellaneous	95,033.77	123,506.75	28,472.98	0.0%	123,506.75	0.0%
Total Revenue	246,468.68	284,574.37	38,105.69	15.5%	285,286.70	-0.3%
Fund 14- Public Safety Equipment						
Taxes						
Ad Valorem Tax	-	-	-	0.0%		
Del. Ad Valorem Tax	5.82	-	(5.82)	-100.0%		
Total Taxes	5.82	-	(5.82)	-100.0%		
Total Revenue	5.82	-	(5.82)	-100.0%		
Fund 16-Sewer						
Charges for Services	207,805.06	209,331.24	1,526.18	0.7%	220,000.00	-5.1%
Miscellaneous	-	-	-	0.0%	-	-
Total Revenue	207,805.06	209,331.24	1,526.18	0.7%	220,000.00	-5.1%

City of Osawatomie
Revenue Report
01/01/2015 to 03/31/15 PY YTD: 01/01/14 to 03/31/14

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change	Expected To Date \$	% Change
Fund 17 -Recreation Employee Benefits						
Taxes						
Ad Valorem Tax	7.14	-	(7.14)	-100.0%		
Del. Ad Valorem Tax	163.50	15.28	(148.22)	-90.7%		
Total Taxes	170.64	15.28	(155.36)	-91.0%		
Intergovernmental						
Motor Vehicle Tax	244.20	-	(244.20)	-100.0%		
RV Tax	3.09	-	(3.09)	-100.0%		
16/20M Vehicle Tax	-	-	-	0.0%		
Total Intergovernmental	247.29	-	(247.29)	-100.0%		
Total Revenue	417.93	15.28	(402.65)	-96.3%		
Fund 18- Golf Course						
Charges for Services	33,053.90	56,570.64	23,516.74	71.1%		
Miscellaneous	12,025.44	72,274.28	60,248.84	501.0%		
Total Revenue	45,079.34	128,844.92	83,765.58	185.8%		
Fund 22- Tourism						
Intergovernmental						
Transient Guest Tax	4,687.71	5,989.34	1,301.63	27.8%		
Total Intergovernmental	4,687.71	5,989.34	1,301.63	27.8%		
Charges for Services	-	1,000.00	1,000.00	0.0%		
Miscellaneous	12,783.23	12,095.64	(687.59)	-5.4%		
Total Revenue	17,470.94	19,084.98	1,614.04	9.2%		
Fund 24- Capital Improvements-General						
Intergovernmental						
Grant Receipts (Non CDBG)	-	-	-	0.0%		
Total Intergovernmental	-	-	-	0.0%		
Miscellaneous	25,000.00	30,000.00	5,000.00	0.0%		
Total Revenue	25,000.00	30,000.00	5,000.00	0.0%		

City of Osawatomie
Revenue Report
01/01/2015 to 03/31/15 PY YTD: 01/01/14 to 03/31/14

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change	Expected To Date \$	% Change
Fund 25- Capital Improvements-Sewer						
Miscellaneous	-	-	-	0.0%		
Total Revenue	-	-	-	0.0%		
Fund 26- Capital Improvements-Sewer						
Miscellaneous	320,333.81	136,330.10	(184,003.71)	0.0%		
Total Revenue	320,333.81	136,330.10	(184,003.71)	0.0%		
Fund 27-Capital Improvements-Grants						
Miscellaneous	186.27	738.14	551.87	296.3%		
Sale of Fixed Assets	-	-	-	0.0%		
Total Revenue	186.27	738.14	551.87	296.3%		
Fund 50- Cafeteria 125						
Miscellaneous	18,605.68	7,583.44	(11,022.24)	-59.2%		
Total Revenue	18,605.68	7,583.44	(11,022.24)	-59.2%		
Fund 51-Court ADSAP						
Miscellaneous	-	-	-	0.0%		
Total Revenue	-	-	-	0.0%		
Fund 52- Court Bonds						
Miscellaneous	2,807.00	1,000.00	(1,807.00)	-64.4%		
Total Revenue	2,807.00	1,000.00	(1,807.00)	-64.4%		
Fund 55- Paypal						
Miscellaneous	-	(95.64)	(95.64)	0.0%		
Total Revenue	-	(95.64)	(95.64)	0.0%		
Grand Total Revenue	3,519,430.32	3,338,231.01	(181,199.31)	-5.1%		