

OSAWATOMIE CITY COUNCIL

AGENDA

May 8, 2014

6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Invocation - Marvin Halvorsen - Blessed Hope Seventh Day Adventist Church
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 May 8 Agenda
 - B. Approve Minutes of April 10 and April 24 Council Meetings
 - C. Approve Appropriation Ordinance 2014-4
6. Presentations; Comments from the Public
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
 - A. Marvin Halvorsen - Blessed Hope Seventh Day Adventist Church
7. Public Hearing – None
8. Unfinished Business
 - A. Resolution on Termination of Nearman Energy Contract
 - B. Review Draft of Revised Nuisance Ordinances
9. New Business
 - A. Appointments – Library
 - B. Presentation on Possible Structure Condemnations
 - C. Overview of 1st Quarter Financials
10. Council Reports
11. Mayor's Report
12. City Manager's Report
13. Executive Sessions
 - A. Non-elected Personnel (10 minutes)
 - B. Attorney-Client Communications (15 minutes)
14. Other Discussion/Motions
15. Adjournment

REGULAR MEETING – May 22, 2014

REGULAR MEETING – June 12, 2014

Osawatomie, Kansas. **April 10, 2014.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:33 p.m. Council members present were Dickinson, Farley, Hampson, Hunter, LaDuex, Maichel, Ramirez and Walmann. Also present were City Manager Cawby, City Attorney Wetzler and City Clerk Elmquist. Visitors were Dan Macek, Kathy Loving, Ryan Crowley and Colleen Truelson.

INVOCATION. Ted Hunter delivered the invocation.

CONSENT AGENDA. Approval of the minutes of March 13 and March 27 Council Meetings, approval of April 10 Agenda, and approval of Appropriation Ordinance 2014-3. Motion made by LaDuex, seconded by Maichel to approve the Consent Agenda. Yeas: All.

Presentations, Comments from the Public:

A. Presentation of Check. Kathy Loving, Senior Trust Officer at First Option Bank, presented the City with a check for \$40,900. The Area Charitable Foundation awarded the money for the benefit of the Parks & Recreation after a request was submitted to the Foundation for replacing the concession stand/bathrooms at the Sports Complex.

Public Hearings: none

Unfinished Business:

TABLED ITEM CONCERNING THE RURAL FIRE BOARD. Motion made by Hunter, seconded by Dickinson to lift the Rural Fire Board item from the table. Yeas: All.

New Business:

ELECTION RESULTS – ADMINISTER OATH OF OFFICE. City Clerk Elmquist reported the certified election results and administered the oath of office to Lawrence Dickinson, John Farley, Karen LaDuex, and Tamara Maichel.

WARD I		WARD II	
Lawrence Dickinson	21	John A. Farley	24
Write-Ins	1	Cristina Ramirez	18
		Write-Ins	4
WARD III		WARD IV	
Karen LaDuex	68	Tamara J. Maichel	30
Mark Marquez	58	Write-Ins	3
Write-Ins	0		

ELECT COUNCIL PRESIDENT AND VICE PRESIDENT. Mayor Govea opened nominations for Council President. Hunter was nominated. Nominations ceased. Motion made by LaDuex, seconded by Maichel for Hunter as Council President. Yeas: All. Mayor Govea opened nominations for Council Vice-President. LaDuex as nominated. Motion made by Hunter, seconded by Maichel that nominations cease. Yeas: All. Motion made by Maichel, seconded by Dickinson to accept the nominations of Hunter as Council President and Karen LaDuex as Council Vice-President. Yeas: All.

APPOINTMENTS – COUNCIL LIAISONS & KMEA DIRECTOR #2

Expiration of Terms:

KMEA Board of Directors	Director #2 Alternate	Mark Govea Nick Hampson
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Motion made by Hunter, seconded by Maichel to approve the appointments of Mayor Govea and Hampson. Yeas: All.

Council Liaisons:

Economic & Community Development
Historic Preservation
Library Board
Parks & Recreation Committee
Public Safety Advisory Board
Tourism Committee

Ted Hunter
Karen LaDuex
Karen LaDuex
Nick Hampson
Tamara Maichel
Cristina Ramirez

Motion made by Maichel, seconded by LaDuex to approve the Mayor's recommended liaison appointments. Yeas: All.

APPROVE OFFICIAL CITY DEPOSITORY. Motion made by LaDuex, seconded by Hunter to approve First Option Bank as the official City depository. Yeas: All.

PROCLAMATION – ARBOR DAY. Proclamation was to declare April 26 as Arbor Day to urge all citizens to celebrate and to support efforts to protect the City's trees and woodlands. Motion made by Hunter, seconded by LaDuex to approve the proclamation. Yeas: All.

PROCLAMATION – FAIR HOUSING MONTH. Proclamation was to promote fair housing practices throughout the City. Motion made by Hunter, seconded by LaDuex to approve the proclamation. Yeas: All.

APPROVE AND APPOINT POWER SUPPLY TASK FORCE. KMEA has been working on several scenarios for future power supply needs for all its members, many of which are considering leaving the BPU Nearman plant as it undergoes a major overhaul. Furthermore, KMEA has been pushing the pooling of generation either through existing plants in the mid-states region or considering building shared generation at a member city's site. KMEA would like members to consider contributing money to start firming up contracts and for cities to commit to the amount of power it will purchase over the next 6-10 years. Consideration of the potential impact of these KMEA proposals and need to be compared to other options where the City would add generation or seek out contracts through other means. A Power Supply Task Force needs to be formed that can work with City consultant Scott Shreve, Energy Management Group (EMG), to review the proposals and provide feedback to the Council on the very complicated and dense matters. Motion made by LaDuex, seconded by Hunter to appoint the representatives to the Task Force consisting of Mike Moon, Moon's Hometown Market; Amiee Seck, Life Care Center Director; Gary French, USD #367 Superintendent; Jerry Rea, Osawatome State Hospital Superintendent; Mayor Govea, City Manager Cawby and Councilmember Hampson; or their designees. Yeas: Dickinson, Hampson, Hunter, LaDuex, Maichel, Ramirez, and Walmann. Abstention: Farley.

SHELTER HOUSE ROOF REPLACEMENT. As part of the Rotary Lake Project, the Osawatome Rotary Club and Osawatome Community Foundation, have both provided funds to assist with replacing the roof on the shelter house at the City Lake. Through the funds raised and community volunteers, the project can possibly be completed this summer. One major is the need to address the use of the fireplaces and the integrity of their chimneys. The City would be responsible for removing the roof, but the rest of the project would be done with volunteers. If money is available from the fundraising, they will help fix and seal the floor and also put in new and more vandal-proof picnic benches. City Manager Cawby will proceed with the project maintaining the the look but it will depend on what happens when the roof is removed.

REVIEW OF BIDS FOR 509 1ST STREET. The City purchased the property as part of the Police Station Project. It will be used for a garage/sally port and additional parking. The home was to be moved to a vacant lot and then sold. It could be a net income of \$35,000. To first see the demand for the home, it was offered for sale through sealed bids with the new owner bearing the cost of removing the home. The new owner would have one day from the award of the bid to provide the City with a deposit of

10% of the sale price. Upon closing of the sale, the purchaser would have 30 days to remove the home. Two bids were received.

Dean Libich \$8,500 David Klawonn \$40,000.

Klawonn will relocate the home outside of town. Motion made by Hunter, seconded by LaDuex to accept the winning bid of \$40,000 from David Klawonn. Yeas: All.

REVIEW OF BIDS FOR POLICE STATION GARAGE. A garage/sally port provides a holding area for individuals in custody, a place to clean off those individuals if needed, and a connected entrance into the station for security purposes. Pre-engineered 40-by-40 foot steel buildings were specified that could meet the heightened building codes for a public safety building. Numerous pre-engineered building companies and local contractors were contacted to determine interest and obtained four bids. The City would provide grading, construction of the interior rooms, plumbing and electrical in the building. The bids received ranged from three in the \$50,000 to \$60,000 range and one just under \$100,000. American Buildings was selected, but learned that their bid might not have been an “apples to apples” comparison. Instead of accepting a large increase to the base bid, the project was put back out to bid with more complete specifications. Only two provided bids.

Triangle Builders \$105,600 Trinium, Inc. \$172,435

The City will be going back to the original bidders and act as it’s own general contractor. Bids will be requested on the slab and the building by directly approaching original bidders and another builder who did not submit a bid earlier because of conflicts in his schedule. Motion made by LaDuex, seconded by Hampson to formally waive the bond requirement for this particular project. Yeas: All. Motion made by LaDuex, seconded by Hunter to reject bids for the garage/sally port and act as its own general contractor. Yeas: All.

Council Reports:

Farley: The equipment used in the Recreation programs is in terrible condition. Parks & Recreation needs to look into replacing equipment. Hampson will get with the Parks & Recreation Committee.

LaDuex: March 29 the Chamber of Commerce held their annual Business Expo/Job Fair. Parks and Recreation had a booth. The Police Department also had a booth, with the Fire Department also outside. Several City officials were manning other booths.

Mayor’s Report: none

City Manager’s Report:

Projects:

Water Plant. There is one major leak and several smaller leaks in the portion of the treatment basin where the solids settle. A representative from BG will be looking at the plant and then discussing the options. It is believed that the bitterly cold winter was to blame. The basin is over 40-years old and problems are going to be occurring with more frequency.

Third/Walnut Water Line. City crews started putting in a new line along Third Street last Friday and hope to have the main in the ground by the end of the week. The water crew will then start hooking up service lines. A 2” line is being replaced with a 8” line that should help pressure some in that area.

Street Sweeper. The new sweeper is in the City’s possession. There are some minor issues that are in the process of being worked out with the seller before they are paid. The good part is that the sweeper function seems to work very well.

Issues:

Versalift Bucket Truck. The small bucket truck has broken down again for about the third time in the last year. The parts and repairs will have the bucket out of commission for about four weeks. Unfortunately, crews were in the middle of replacing lines on 15th Street, north of Parker. It takes two trucks to complete the work. Renting or borrowing a truck were considered, but didn't work out because of price or availability.

Open Positions. The City will be advertising for several positions over the next couple of months. Besides several seasonal positions, there will be hiring for four new full-time positions to cover resignations and future retirements.

Cabin Tree. Kim Bomberger, NC/NE District Community Forester with the Kansas Forestry Service, has been coming to Osawatomie to do training with City staff on trees and also to help look at the current trees and assess their health. This year she went through John Brown Park to look at some trees staff had concerns about and trees she had previously identified. Based upon her recommendations, trees removed consisted of two in the John Brown Cabin "circle" and one at the south end of the concert area. Bomberger also recommended, with great regret, the removal of the large hedge tree close to the southeast corner of John Brown Cabin. It is actually two trees that have grown together and now there is large void almost 6 feet deep in the middle. City crews will be taking down the south half of the tree and then sending pictures and video for Bomberger to see if the north half can be saved.

LMI Survey. Governmental Assistance Services has begun the LMI (Low to Moderate Income) Survey in town. Dax Mayes, with GAS, will begin going door to door to determine the City's LMI percentage for purposes of applying for CDBG grants for the rest of this decade.

State Legislation – Elections Bill. According to the League of Kansas Municipalities, momentum has slowed on the issue of moving municipal elections to the fall. However, two house bills are still alive and the League believes that supporters are still pushing the bills.

State Legislation – Weapons Preemption Bill. Both the House and Senate have approved HB 2578 which makes sweeping changes to state guns and weapons laws and preempts most local gun laws. The list of changes is rather lengthy. City Manager Cawby is waiting for a summary and recommendations from the League on what to do with these matters. The provision that is of most concern is that the City can no longer regulate the open carry of guns in the city.

New LKM Executive Director. The League of Kansas Municipalities Governing Body has selected Erik Sartorius as their new Executive Director. City Manager Cawby believes he will be a great leader for the organization.

Motion made at 8:32 p.m. by Hunter, seconded by Dickinson to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Osawatomie, Kansas. **April 24, 2014.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:31 p.m. Council members present were Dickinson, Hampson, Hunter, LaDuex, Maichel, Ramirez and Walmann. Absent was Farley. Also present were City Manager Cawby, City Attorney Wetzler and City Clerk Elmquist. Visitor was Brian Kingsley.

INVOCATION. Ted Hunter delivered the invocation.

CONSENT AGENDA. Approval of the April 24 Agenda. Motion made by Maichel, seconded by Hampson to approve the Consent Agenda. Yeas: All.

Presentations, Comments from the Public:

Public Hearings: none

Unfinished Business:

SEWER PROJECT BIDS.

BG Consultants	(engineer's estimate)	\$671,160.00
CAS Constructors, LLC	Topeka, KS	\$752,191.00
Crossland Heavy Contractors, Inc.	Kansas City, MO	\$778,497.50
Irvinebill Constructors Inc.	Chillicothe, MO	\$809,300.00
Mega Industries Corp.	N. Kansas City, MO	\$739,786.00
Midland Contractors	Topeka, KS	\$626,000.00

Farley arrived at 6:36 p.m.

BG Consultants revised their estimate of \$433,700 prior to the bid opening and now estimates the project at \$671,160, an increase of \$237,460. They indicated the majority of the increase was for air handling changes needed in the buildings to handle corrosive and noxious gases. Calculated with the currently known costs, the project is \$27,160 over budget if all contingency funding was eliminated. However, with expected savings in the construction budget and also in the construction inspection and legal/administrative budgets, the project should fit within the current loan. Should additional costs or issues arise, they will have to be evaluated as to whether or not to seek an increase in the loan or to use Sewer Fund reserves. Motion made by Hunter, seconded by LaDuex to approve and award the bid to Midland Contractors at \$626,000 pending approval from KDHE. Yeas: All. Motion made by Hunter, seconded by LaDuex authorizing the Mayor to sign the Notice of Award. Yeas: All.

New Business: none

APPOINTMENTS: none

CONSIDER APPROVAL OF FIREWORKS STANDS. Fireworks vendors have requested the Council's approval.

Dale & Jo's Discount Fireworks	Jo Shay	1306 6 th Street
Eddie's Discount Fireworks	Chris & Peaceful Barnett	504 Oscar

Motion made by Hunter, seconded by Hampson to approve the fireworks stands, contingent upon receipt of certificates of insurance. Yeas: All.

DISCUSS COUNCIL SCHOLARSHIP. After the discussion, it was decided that the scholarship criteria would be for a senior with a minimum GPA of 2.0 entering a vo-tech school, and preferably a child of a City employee and then a summer worker. Due to the lack of participation in the recent past, the Governing Body Scholarship was changed to the City of Osawatomie Scholarship.

REVIEW DRAFT OF REVISED NUISANCE ORDINANCES. The City Municipal Code is the law and overrules policy. Maichel said the City doesn't enforce what laws are already in place. The

City will be hiring a full-time meter reader who will also do nuisances. This position will be under Building Official Ted Bartlett.

Council Reports:

Farley: Asked if there was a problem with street sweeper. City Manager Cawby said it is now in the City's possession. There have been some issues and a reduction in price is being negotiated.

LaDuex: The Library Advisory Board will be holding their annual pancake feed to coincide with Alumni Weekend.

Hunter: Railroad Days is this Saturday. The organizers have reformed the event.

Maichel: The Public Safety Committee met and will be bringing three issues/presentations to the Council. Many concerns were discussed at their first meeting. The three issues are a snow route, the thin streets, and having a traffic study done.

Mayor's Report:

Arbor Day is this Saturday. Invited everyone to come out.

City Manager's Report:

Projects: none

Issues: none

Updated the Council on the status of the budget.

Along with the Mayor, will be attending KMEA's annual conference.

Motion made at 8:36 p.m. by LaDuex, seconded by Dickinson to adjourn. Yeas: All.

Ann Elmquist, City Clerk

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ORDINANCE NO. 2014-04

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AN ORDINANCE MAKING APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS.

Be it ordained by the Governing Body of the City of Osawatomie, Kansas

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the city treasury the sum required for each claim.

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
KMEA	Nearman Electricity	1453	36,287.73
City of Osawatomie	Petty Cash Reimbursement	1454	3,010.83
Crawford Sales Company	Budweiser	43438	144.15
Midwest Distributors	Miller	43439	200.00
ABA Pump Supply	Pressure Transducer	43440	667.50
Altec Industries, Inc.	High Visibility Jackets & Pants	43441	243.79
Bollings Bargain	Ropes, Anchors, Red Tape, Pop-Up	43442	29.01
Brenntag Mid-South, Inc.	Alum Ground, Robinfloc	43443	16,429.66
Brewer's Automotive Repair	Tires, Tubes	43444	321.26
CenturyLink	Services	43445	2,356.59
CenturyLink	Long Distance	43446	317.21
Champion Brands, LLC	Wiper Blades, LLC	43447	571.57
Coleman Equipment, Inc.	Discharge Cover	43448	70.26
Cross Midwest Tire	Tires	43449	687.40
John Dixon	Sound & Staging Deposits-Jamboree	43450	470.00
Dodson Training Resources, Inc.	Seminar	43451	275.00
Donna & Viola's Shirts	Soccer Shirts	43452	15.00
Family Center	Woodcutter Kit, Boots, Switch	43453	1,181.58
Foley Industries	Brake Repair Parts for Grader, Bolt Kit	43454	3,710.53
Helena Chemical Company	Ice Melt	43455	270.00
Jay's Uniforms	Shirts, Pants	43456	152.85
John Deere Landscapes	Sealant, Paint, Fertilizer, Three Way	43457	1,447.70
Kansas City Wilbert	Grave Opening	43458	294.00
Kansas Department of Commerce	JTC Oil Lease-May 2014	43459	1,000.00
Kelcon Technologies, Inc.	Service Maintenance, Internet Issues	43460	390.00
Louisburg Ford Sales, Inc.	Lock Assembly	43461	18.79
Marc	Membership Dues	43462	1,053.00
Miami County Fire Department	Emergency Reporting	43463	207.00
Miami Lumber, Inc.	05/16 OS Corner	43464	94.62
National Sign Company	Detour Signs, Batteries	43465	120.95
Navrat's Office Products	Easel, Color Paper, Sticky Notes	43466	125.69
NEKLS	Media Sleeves, Thermal Rolls	43467	16.00
Northern Tool	Multipurpose Mechanic	43468	264.58
Olathe Winwater Works	Meterwell Pipe, Couplings, Tee	43469	959.00
Osawatomie Chamber of Commerce	Appropriation	43470	10,000.00
Paola Do It Best Hardware	Toilet, Spray Paint, Wax Ring	43471	233.39
Pepsi	Pop	43472	472.38
Psychological Resources	Psychological Evaluation	43473	110.00
Quality Tree Service	Flush Stumps	43474	200.00
Quill.com	Envelopes, Ink Cartridges	43475	351.42

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Read It Free	Ad-Land for Rent	43476	180.00
Rural Water District #1	Services	43477	223.95
Smiths Appliances, Inc.	Refrigerator	43478	550.00
Suddenlink	Internet	43479	149.88
Tri County Termite & Pest Control	Termite Control	43480	480.00
Wade Quarries	Gravel	43481	1,311.29
KMEA	SPA Hydro Electricity	1455	2,744.23
KMEA	WAPA Hydro Electricity	1456	8,642.04
Ace Pest Control	Pest Control	43482	475.00
Aero-Mod, Inc.	Tritan Belt Filter Press	43483	187,200.00
AT&T	RTU'S	43484	221.96
Atco International	Buckaroo	43485	147.45
BG Consultants, Inc.	Consulting Services	43486	21,943.00
Sheldon Booe	Soccer Official	43487	76.00
California Contractors Supplies, Inc.	Detectable Electric Line Buried Tape	43488	639.92
City of Osawatomie	Utilities	43489	11,676.81
Consolidated Fleet Services, Inc.	Truck Testing, Hot Sticks	43490	1,113.00
Employer Wellness Solutions	Health Risk Assessment	43491	1,800.00
Environmental Laboratories, Inc.	Wastewater Sample & Analysis	43492	265.00
Extreme Collision & Custom	Replace Glass-Bobcat Door	43493	169.00
Richard Fisher, JR. LLC	Attorney Fees	43494	825.00
Galls	Belt, Crossfire Gel	43495	104.94
HD Supply Waterworks	Waterline Project-Walnut, Repair Parts	43496	11,027.44
Kansas Department of Revenue	Sales Tax Penalty	43497	88.62
Kansas Employment Security Fund	1st Qtr. Unemployment Tax	43498	3,904.28
Kansas Municipal Utilities	2nd Qtr. Dues	43499	2,292.00
Kansas One Call System, Inc.	Locates	43500	62.40
Kincaid Ready Mix	Concrete	43501	338.75
L&K Services, Inc.	Refuse, Trash Stickers, Yard Waste	43502	32,895.69
Lybarger Oil, Inc.	Fuel, Propane	43503	8,135.82
Madden Rental	Portable Toilet Rental	43504	130.00
Miami County Treasurer	Vehicle Registration	43505	98.00
Moon's IGA	Cleaning Supplies, Pop, Coffee	43506	443.22
Oil Patch Pump & Supply	Clamp	43507	4.67
Pat's Signs	Business Cards, Clubhouse Sign	43508	236.25
Michael Pursley	Soccer Official	43509	112.00
R&R Products, Inc.	Reel Motor, O-Ring, Seal	43510	235.73
Brody Russell	Soccer Official	43511	46.00
Morgan Soucie	Soccer Official	43512	82.00
Suddenlink	Internet	43513	134.19
Superior Lamp, Inc.	Bulbs	43514	878.37
Triplett, Woolf & Garretson, LLC	Special Counsel-Lease Purchase	43515	2,592.04
UPS Store	Package	43516	9.32
USA Blue Book	Wet Floor Signs, Exit Signs	43517	462.99
Visa	Recorder, Seminars, Radio, Postage	43518	1,511.48

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Winkler, Domoney & Schultz	Municipal Court Judge	43519	2,060.00
Winterscheid Auto Parts	Filters, Spark Plugs, Wrench	43520	954.30
Wycoff's Locksmithing	Door Repair	43521	115.32
KMEA	GRDA Electricity	1457	84,493.29
Crawford Sales Company	Budweiser	43522	239.20
Alamar Uniforms	Badge, Service Tab, Flag Pin, Emblem	43523	276.92
Blackhawk!	Shotgun Stock	43524	80.99
Sheldon Booe	Soccer Official	43525	30.00
Bradley Air Conditioning & Heating	Service-PD	43526	86.97
City Attorneys Association of KS	City Attorney's Spring Meeting	43527	65.00
Consolidated Plastics Company, Inc.	Anti-Fatigue Mat	43528	125.80
Demco	Jacket Covers, 2-Ring Albums	43529	117.13
Dish Network	Service	43530	100.12
Ditch Witch	Hammerhead Mole with expander	43531	5,478.07
Eric Draper	Soccer Official	43532	30.00
EMG, Inc.	Energy Consulting	43533	1,369.12
Eyecare Associates	Face Piece	43534	134.00
Feld Fire	Quick Connects, Fire Extinguishers	43535	1,078.00
Galls	Quad Snap Keeper, Bugles Pin	43536	219.60
Geocorp, Inc.	Hays/Republic Chart	43537	252.69
Gerken Rent-All, Inc.	Sod Cutter	43538	58.32
Holliday Sand & Gravel	Brick Sand, Greens Mix Blend	43539	389.41
KC Bobcat	Curved Cab Window, Seal	43540	233.46
Kelcon Technologies, Inc.	Created User	43541	45.00
Kriz-Davis Co.	Wire, Anchors, Bolts, Cutouts	43542	2,716.76
League of Kansas Municipalities	Leadership Summit & Mayors Conf	43543	195.00
Miami County Treasurer	Duplicate Title	43544	10.00
Municipal Management Group	Leak Detector	43545	3,400.00
Gary Naughton	Appraisal of Cut Timbers & Logs	43546	463.00
NEKLS	Summer Reading Workshop	43547	40.00
Michael Pursley	Soccer Official	43548	46.00
Regency Coffee & Vending	Coffee	43549	105.39
Ricoh USA, Inc.	Copier Lease	43550	289.00
Ricoh USA, Inc.	Copier Lease-PD	43551	183.90
Brody Russell	Soccer Official	43552	82.00
Scott Michie	Consulting Services	43553	899.72
Morgan Soucie	Soccer Official	43554	30.00
Superior Lamp, Inc.	Bulbs	43555	836.88
TBS Electronics, Inc.	Radio Repair	43556	224.85
TFM Comm, Inc.	Mobile Radios	43557	1,161.90
University of Kansas	KCCM Annual Conference	43558	255.00
USA Bluebook	Ear Plugs, Exit Sign, Not an Exit Sign	43559	275.02
Visa	DVD's Cleaning Supplies, Mats	43560	931.57
Wycoff's Locksmithing	Padlocks	43561	38.73
City of Osawatomie	Petty Cash Reimbursement	1458	2,572.75

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Kansas Department of Revenue	Sales Tax	1459	12,803.38
Kansas Department of Revenue	Sales Tax	1460	274.36
Kansas Department of Revenue	Compensating Use Tax	1461	1,225.65
Kansas Department of Revenue	Sales Tax	1462	4.69
KMEA	EMP Electric Transmission	1463	37,264.66
KMEA	Nearman Electricity	1464	30,590.95
Crawford Sales Company	Budweiser	43562	128.95
Midwest Distributors	Miller	43563	120.00
KC Bobcat	E35 Mini Excavator Lease	43564	6,000.00
Amateur Sports Promotion	2014-15 Sports Calendar	43565	129.00
American Law Enforcement Radar	Recalibrate Radar	43566	160.00
Baker & Taylor	Books	43567	412.36
Bollings Bargain	Paint Brushes	43568	9.00
Sheldon Booe	Soccer Official	43569	118.00
Boundtree Medical	AED Cabinet	43570	285.00
Brenntag Mid-South, Inc.	Robinloc, Sodium Hypochlorite	43571	5,666.03
C&G Merchants Supply, Inc.	Chips, Popcorn, Peanuts	43572	464.08
Carrot Top Industries	Flags	43573	664.69
Century Link	RTU'S	43574	236.56
CK Power	Kohler Generator and Transfer Switch	43575	17,975.00
Direct Solutions	Fertilizer	43576	505.44
Eric Draper	Soccer Official	43577	30.00
Elliott Insurance	Quarterly Premium, Notary Bond	43578	51,893.00
Entersect	Police Online	43579	79.00
Evco Wholesale Foods	Chips, Gatorade, Hot Dogs	43580	331.70
Galls	Trousers, Belts, Shirts	43581	157.19
Gallagher Benefit Services	Administrative Fee	43582	382.00
Grainger	Air Compressor, Transformer,	43583	942.37
Kansas City Power & Light	Service	43584	1,581.36
Kansas Gas Service	Service	43585	5,237.65
Kansas State Treasurer	Training Funds	43586	484.50
Miami County Solid Waste	Tire Disposal	43587	75.00
ND&H	Attorney Fees	43588	505.00
NPG Newspapers	Subscription, Open House Ad	43589	968.34
Pitney Bowes, Inc.	Postage Meter Lease	43590	189.50
Michael Pursley	Soccer Official	43591	30.00
Quill	Letter Box, File Folders, Easel Pad	43592	385.50
Rejis Commission	LEWeb Subscription Service	43593	31.50
Reserve Account	Postage	43594	1,200.00
Brody Russell	Soccer Official	43595	82.00
Morgan Soucie	Soccer Official	43596	30.00
Sprint	Service	43597	27.96
Suddenlink	Internet	43598	59.95
Debbie Talley	Memorial Hall Janitorial	43599	375.00
Tri-County Ice Co., Inc.	Car Wash, Tokens, Ice Machine	43600	250.00



STAFF AGENDA MEMORANDUM

DATE OF MEETING: May 8, 2014

AGENDA ITEM: **Nearman Resolution**

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: On April 25, the Power Supply Task Force met with the City's energy consultant and reviewed the status of the Nearman Power Project. After a review of all of the large issues and the financials of the current and future Nearman Power Project, the Task Force recommended that we pass the attached resolution concerning termination of our contract on December 31, 2015.

As discussed in our first meeting, there are many other more effective options for intermediate power sources that the City can utilize. The responsibility of the Power Supply Committee is to evaluate those resources and come up with a recommendation to the Council on a direction for acquiring that power in the short and long terms.

COUNCIL ACTION NEEDED: Vote on the resolution to terminate our contract with BPU Nearman.

STAFF RECOMMENDATION TO COUNCIL: Approve the resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OSAWATOMIE, KANSAS, AUTHORIZING THE KANSAS MUNICIPAL ENERGY AGENCY TO TERMINATE THE PARTICIPATION POWER SALES AGREEMENT FOR ELECTRICITY FROM NEARMAN NO. 1; AUTHORIZING TERMINATION OF THE NEARMAN POWER SALES CONTRACT WITH THE KANSAS MUNICIPAL ENERGY AGENCY; AND AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATED THERETO.

WHEREAS, the K.S.A. 12-885 *et. seq.* (the “Act”) provides that two or more cities may create a municipal energy agency for the purpose of planning, studying and developing supply, transmission and distribution facilities and programs, and for the purpose of securing an adequate, economical and reliable supply of electricity and other energy, and transmitting same for distribution through the distribution systems of such cities; and

WHEREAS, the City of Osawatomie (the “City”) is a member of the Kansas Municipal Energy Agency (“KMEA”), a municipal energy agency created under the Act; and

WHEREAS, the City is engaged in the local distribution and sale of electrical energy in the City and its environs; and

WHEREAS, in December 1982, KMEA entered into a Participation Power Sales Agreement, as amended (the “Nearman Agreement”), with the Board of Public Utilities of the City of Kansas City, Kansas (now known as the Unified Government of Wyandotte County/Kansas City, Kansas) (the “BPU”) for the supply of electric power and energy from BPU’s Nearman Creek Power Station No. 1 (“Nearman No. 1”); and

WHEREAS, the City and KMEA entered into the Nearman Power Sales Contract, as amended (the “Participation Agreement”), for the City to purchase a portion of electric power and energy from Nearman No. 1;

WHEREAS, the Nearman Agreement was amended in January 1995 to provide KMEA the right of termination with at least one (1) year advance written notice in the event the projected charges for the payment-in-lieu-of-tax rate exceeds 6%; and

WHEREAS, the projected charges for the payment-in-lieu-of-tax rate in 2014 will exceed 6%; and

WHEREAS, the City and KMEA desire to provide written notice to the BPU of its intent to terminate the Nearman Agreement and the Participation Agreement as of December 31, 2015;

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

Section 1. The City agrees to amend the Participation Agreement to provide for termination as of December 31, 2015. The Mayor and City Clerk are hereby authorized and directed to execute an amendment to the Participation Agreement, and the Mayor, City Clerk and other staff of the City are hereby authorized and directed to take such other action as may be necessary for the termination of the Participation Agreement.

Section 2. The City authorizes KMEA to provide notice to BPU of termination of the Nearman Agreement as of December 31, 2015.

Section 3. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

ADOPTED by the governing body of the City of Osawatomie, Kansas, on April 24, 2014.

(Seal)

Mayor

ATTEST:

Clerk

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CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. _____ of the City of Osawatomie, Kansas adopted by the governing body on April 24, 2014 as the same appears of record in my office.

DATED: _____, 2014.

Clerk

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**EXCERPT OF MINUTES
OF A MEETING OF THE
GOVERNING BODY OF THE
CITY OF OSAWATOMIE, KANSAS
HELD ON _____, 2014**

The governing body met in regular session at the usual meeting place in the City, at _____ p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order,

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

A RESOLUTION OF THE CITY OF _____, KANSAS, AUTHORIZING THE KANSAS MUNICIPAL ENERGY AGENCY TO TERMINATE THE PARTICIPATION POWER SALES AGREEMENT FOR ELECTRICITY FROM NEARMAN NO. 1; AUTHORIZING TERMINATION OF THE NEARMAN POWER SALES CONTRACT WITH THE KANSAS MUNICIPAL ENERGY AGENCY; AND AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATED THERETO.

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yes: _____

Nay: _____

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbers Resolution No. _____ and was signed by the Mayor and attested by the Clerk.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

(SEAL)

Clerk

TERMINATION OF
PARTICIPATION POWER SALES AGREEMENT

WHEREAS, the City of _____, Kansas (the "City") is a member of the Kansas Municipal Energy Agency ("KMEA"), a municipal energy agency created under the Act; and

WHEREAS, the City is engaged in the local distribution and sale of electrical energy in the City and its environs; and

WHEREAS, in December 1982, KMEA entered into a Participation Power Sales Agreement, as amended (the "Nearman Agreement"), with the Board of Public Utilities of the City of Kansas City, Kansas (now known as the Unified Government of Wyandotte County/Kansas City, Kansas) (the "BPU") for the supply of electric power and energy from BPU's Nearman Creek Power Station No. 1 ("Nearman No. 1"); and

WHEREAS, the City and KMEA entered into the Nearman Power Sales Contract, as amended (the "Participation Agreement"), for the City to purchase a portion of electric power and energy from Nearman No. 1;

WHEREAS, the Nearman Agreement was amended in January 1995 to provide KMEA the right of termination with at least one (1) year advance written notice in the event the projected charges for the payment-in-lieu-of-tax rate exceeds 6%; and

WHEREAS, the projected charges for the payment-in-lieu-of-tax rate in 2014 will exceed 6%; and

WHEREAS, the City and KMEA desire to provide written notice to the BPU of its intent to terminate the Nearman Agreement and the Participation Agreement as of December 31, 2015;

NOW, THEREFORE, the undersigned parties agree as follows:

Pursuant to Section 18 of the Participation Agreement, the undersigned parties agree to terminate the Participation Agreement between the City and KMEA upon termination of the Nearman Agreement between KMEA and the Board of Public Utilities of the City of Kansas City, Kansas (now known as the Unified Government of Wyandotte County/Kansas City, Kansas). The date of termination of the Nearman Agreement is projected to be December 31, 2015.

CITY OF _____, KANSAS

(Seal)

Mayor

ATTEST:

Clerk

KANSAS MUNICIPAL ENERGY AGENCY

General Manager



STAFF AGENDA MEMORANDUM

DATE OF MEETING: May 8, 2014

AGENDA ITEM: Proposed 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 are: (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 memo will highlight the most crucial proposed changes to the nuisance code and we will walk through the document section by section during the meeting.

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).

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.

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: Provide direction to staff on the drafting a final ordinance for the next meeting.

STAFF RECOMMENDATION TO COUNCIL: Review the information.

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 OF KANSAS.

WHEREAS, the purpose of this ordinance 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 exist within the city unsightly and hazardous conditions due to: health hazards; harborage of vermin; dilapidation, deterioration or disrepair 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 belonging to 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 Osawatomie 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, motor homes, 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, 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 Osawatomie 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 Osawatomie 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, clinkers, 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 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;

(5) 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 other related violations of the City code; 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 violation under the terms of the agreement waives the right to a hearing before the hearing officer and the person 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 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 are 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 Council and provided 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 or its designated representative as soon as possible after the filing of the request therefore, 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 may be represented by counsel, and the person, or entity, and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence.

(c) Upon conclusion of the hearing, the findings of the City Council or its designated representative shall be prepared in resolution form, adopted by the City Council, and the resolution shall be served upon the person 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 as is 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 or requested a hearing before the governing body within the time period specified in section 8-207, the public officer may present a resolution to the governing body for adoption authorizing the public officer or other agents of the city to 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 constructed 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, by polluted, become stagnant, 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 basement and excavations; any open cistern, cesspool, well, or other dangerous openings. All such places shall be billed, 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.

(l) Pollution or contamination of any water supply or water course by sewage, industrial, chemical, 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. 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 visible 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.

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

(i) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed 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.), and Johnson grass (*Sorghum halepense*).

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

ARTICLE 4. VEHICLES ON PRIVATE PROPERTY

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. *Reserved for future use.*

8-403. VEHICLE PARKING.

(a) No vehicle owner, property owner, resident or tenant shall allow a vehicle to be parked or stored adjacent to any public street on any surface other than a designated driveway or a parking area. Adjacent to any public street in residential areas, all vehicles (except RVs and trailers as provided herein) shall be parked on the designated driveway relating to the garage or carport or designated parking areas for multifamily dwellings. 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.

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

(c) 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 of Osawatomie Zoning Regulations. Any such parking constructed 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 1400 square feet whichever is less at a single or duplex family residence. Such vehicle parking shall not exceed 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 any attached or unattached garage area and shall not otherwise be located directly in front of the primary structure.

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

(g) 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.

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

(4) No RV may be used for overnight accommodation on a public right-of-way.

(5) 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.

8-404. 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 (20) 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 or vehicle rated above three ton or farm machinery or farm implement shall be stored or parked within any residential district unless parked within an enclosed building or carport. Provided, however that this section shall not prevent the temporary location of such a vehicle or equipment on such a property while engaged in a delivery, pick-up or service to the property. And further provided, except parking on a temporary basis for not more than a single occurrence not exceeding twenty-four (24) hours during any thirty (30) day period

8-405. RECREATION VEHICLES; PARKING ON STREET. No motorized self-propelled camper, non-motorized travel trailer, or boat or canoe when on a trailer, shall be parked on 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. **No non-motorized travel trailer or boat or canoe, when on a trailer, shall be left unattached when parked on a public street.**

8-406. LARGE AND RECREATIONAL VEHICLE PARKING. No motorized self-propelled camper, non-motorized travel trailer, recreational vehicle or vehicle or trailer combination of vehicle and trailer which exceeds eight (8) feet in width, or twenty (20) feet in length, or eight (8) feet in height 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

8-407. *Reserved for future use.*

8-408. *Reserved for future use.*

8-409. 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 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 5. 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 6. 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 24th day of May, 2014.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

Public-Service Application

City of Osawatomie, KS

Full Name: Judy A. Reinecker Maiden: Holt

Address: 103 Shady Lane *S.S.#: [REDACTED]

Mailing Address (if different): _____ *D.O.B.: [REDACTED]

City, State, Zip: Osawatomie, Kansas 66064 Home #: [REDACTED]

Cell #: _____ Work #: _____ Email: _____

Place of Employment: (Katy ISD, Katy, Texas) retired language arts teacher Position: _____

Product or service rendered by employer: education

Brief description of job duties/responsibilities: classroom teacher

Spouse's place of employment: deceased Position: n/a

Product or service rendered by spouse's employer: n/a

Committee, Board, Commission, Task Force or other position to which you wish to be appointed: _____

Library Board

Why do you wish to serve in this position? see attached see below

Have you served on any other board or committee or in an elected position with the City? If yes, please state your experience as a member: no

Do you or your spouse have any monetary interest, direct or indirect, in any pending or incomplete transaction or contract to which the City is, or is to be, a party? If yes, please explain: _____

no

*It is the policy of the City of Osawatomie to conduct criminal background checks on all potential applicants for the PUBLIC SAFETY COMMITTEE. Appointments to the committee is contingent on the results of such checks. In order to conduct the check, a birthdate and social security number is required. By signing below, I understand that the above information I have voluntarily provided to be used solely for the purpose of the background check.

[REDACTED SIGNATURE]

April 28, 2014

Signature

Date

PLEASE RETURN TO CITY CLERK

439 Main Street PO Box 37, Osawatomie, KS 66064 cityclerk@osawatomieks.org
---OFFICE USE ONLY---

Received: 4-28-14 Council Approval Date: _____ Letter of Approval: _____
Scanned: 4-28-14 Term Expiration Date: _____ Letter of Non-Approval: _____

First, I feel privileged to be invited to serve on the library board.
Secondly, as a former language arts teacher, I believe that it is essential for our community to have a well-maintained, updated library facility for children and adults as well as students.
Finally, I also believe that the community members will take advantage of the offered services of a library when the atmosphere is friendly and comfortable.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: May 8, 2014

AGENDA ITEM: Proposed Condemnations

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: The City staff has put together a list of 24 properties for the City Council to consider for condemnations. The list is a compilation of properties identified by staff or through complaints from the public or Council.

For this first overview, we did not develop complete reports on each property because of the large volume. Once the list has been discussed, we will develop complete reports for the Council's review (which probably will include interior inspections), and then we will review at the next Council meeting. Once it is determined which properties should be provided notice, the City Council must pass a resolution which will set the time and place for a hearing on the proposed condemnations.

I have included the following to help explain how a non-emergency condemnation occurs.

Procedure for Condemnations

1. First step is to have the enforcing officer file a written statement that is presented to the governing body that describes the property, where the property is located and that the property is unsafe or dangerous or is abandoned. Often these reports are accompanied by photos of the property to help illustrate why the property is abandoned, unsafe or dangerous.
2. Governing Body passes a Resolution that fixes a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property.

3. Resolution is published once each week for two consecutive weeks on the same day of each week.
4. The matter is set for hearing before the Governing Body at least thirty days after the date of the last publication.
5. A copy of the Resolution is mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant at the last known address with the letter marked as "deliver to addressee only."
6. At the date set for the hearing the Governing Body hears all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in the structure as well as evidence submitted by the enforcing officer filing the statement.
7. Governing Body makes findings. If the Governing Body finds that the structure is unsafe or dangerous such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. If the Governing Body finds that the property is abandoned, the governing body may authorize the rehabilitation of the property as provided by K.S.A. 12 1756a.
8. Resolution containing findings is published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing, i.e., certified mail within three days of the publication of the Resolution to last known address marked as "deliver to addressee only."
9. Resolution should fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be repaired or razed and removed in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property.
10. If the owner fails to commence the repair or removal of the structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the costs of removing such structure and making the premises safe and secure. Any money in excess of the costs shall be paid to the owner of the premises upon which the structure was located.

11. The City shall give notice to the owner of the structure by restricted mail of the total costs incurred by the city in removing the structure and making the premises safe and secure and providing notice. The notice shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost is not paid with the thirty-day period and if there is not salvageable material or if money received from the sale, the balance shall be collected in the manner provided by K.S.A. 12-1,115 or assessed as a special assessment against the lot or parcel. See 12-1755 for procedure.

Proposed Condemnations

In the packet I have included inspection reports for each of the proposed properties. They are listed in order based on the need for demolition and the ease of demolition. For that reason, all of the trailers are listed first.

Trailers:	909 Chestnut	212 7 th Street	901 Chestnut
	715 Chestnut	812 South Street	707 Carr
Homes:	403 Chestnut	1006 5 th Street	345 Parker
	1003 Chestnut	716 Main	907 Pacific
	908 Walnut	334 Main	110 Brown
	136 Pacific	1002 5 th Street	805 Chestnut
	523 Chestnut	512 5 th Street	1635 Main
	906 Walnut	500 Walnut	1111 Main

COUNCIL ACTION NEEDED: Determine the properties to be included in the condemnation resolution and those that need complete reports developed.

STAFF RECOMMENDATION TO COUNCIL: Determine the properties to move forward in the condemnation process.

909 Chestnut

Inspector Notes: Letter sent to board up Jan. 13, 2014 & was boarded up. This trailer is unsafe and beyond repair. Someone has removed siding/shirting and interior wall finish on part of the trailer.

Current Owner: Property - Owen & Rachel Waddle – Rural Osawatomie.
Trailer – John Felman – Osawatomie.

Current Status: Taxes current, no utilities since October 2012, no record of City maintaining.

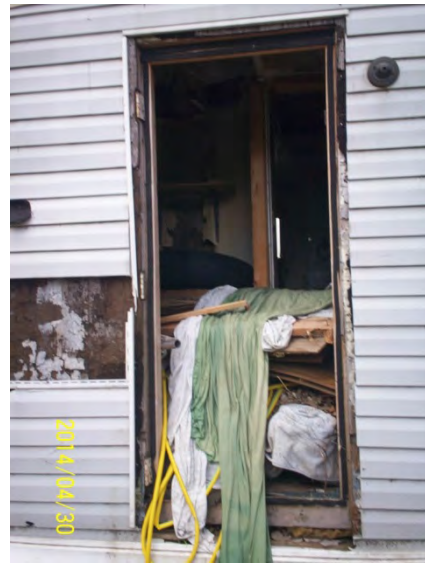


212 7th Street

Inspector Notes: Letter sent to board up May 14, 2013 & was boarded up) but the north door has been removed since. This trailer sets on a lot with 3 houses and another trailer. I have been told that the trailer's owners have abandoned it and have not paid lot rent for years. Trailer should not be renovated.

Current Owner: Property - Una Deering, deceased – Oz – (daughter manages properties).
Trailer – Michael & Cynthia Mayne – address unknown.

Current Status: Taxes current, no utilities since July 2012, no record of City maintaining.



901 Chestnut

Inspector Notes: Vacant trailer. I know the previous tenants and they told me that they had not paid rent for some time that they had been unable to contact the owner. It does appear that someone has cleaned up the property/yard. The debris in these photos is gone. This trailer should not be renovated.

Current Owner: Randall S Page, Ottawa

Current Status: Taxes current, no utilities since Aug. 2013, no record of City maintenance.



715 Chestnut

Inspector Notes: Letter sent to owners to board up. Now boarded up and trash cleaned up. This property is in a divorce property settlement and I have been told will go back to Bill Smith as the owner. This trailer should not be renovated.

Current Owner: Property – William Smith & John Snyder – Osawatomie.
Trailer – Merle (Jean) Young & Nancy Snyder – Osawatomie.

Current Status: Taxes delinquent, no utilities since May 2013, City mows.



812 South Street

Inspector Notes: Has been vacant for a number of years. The owner spoke with me in the past expressing his desire to sale the property but says that the location makes it difficult to sale. Trailer should not be renovated.

Current Owner: Rodney Shay – Lane – trailer and property – has been for sale for a few years.

Current Status: Taxes current, no utilities since May 2008, no record of City maintaining.



707 Carr

Inspector Notes: Vacant since Feb. 2009. This trailer could probably be renovated if done soon. The door to the hot water tank has been removed and I would wonder about the condition of the floor in this area.

Current Owner: Una Deering, deceased – Osawatomie (daughter manages properties).

Current Status: Taxes current, electricity is on, no record of City maintenance.



403 Chestnut

Inspector Notes: Vacant for many years. Neighbor has had trouble with raccoons and cats living in this home. Fire place/chimney is pulling away from the home on the north side. This home is beyond repair. We believe neighbors have mowed but finally quit.

Current Owner: William Monthey -- Richardson, TX

Current Status: Taxes delinquent, no utilities since Nov. 2005, City mowed in 2013.



1006 5th Street

Inspector Notes: May have been vacant since the flood. This home appears that someone has been entering the home and tearing things up inside. The floor is bad in a number of places, there is mold growing on ceilings and walls and the ceiling is coming down in a number of places. This home is in very bad shape!! I feel that this home needs to be torn down. I don't believe the cost for repairs would be worth saving the home.

Current Owner: Robert Arehart, deceased – Paola

Current Status: Taxes delinquent, no utilities since December 2006. City mows.



345 Parker

Inspector Notes: I have spoken with County Attorney Hager and he says that they bought this property on Sherriff's sale and they will get it cleaned up and boarded up. The house has been for the most part gutted with most electrical and plumbing fixtures taken. Beyond repair.

Current Owner: Miami County

Current Status: Taxes current (due to sale), no utilities since Dec 2012, no record of City maintenance.



1003 Chestnut

Inspector Notes: Vacant home. This home has a large federal tax lien on it. We have had trouble keeping this home closed up. This home is in need of major repairs and I'm not sure it would be worth it.

Current Owner: Stephens, Floyd D (deceased) & Phyllis K (moved)

Current Status: Taxes delinquent, no utilities since April 2012, City mows.



716 Main

Inspector Notes: Home vacant due to posted health hazard. Home needs to be condemned for health reasons. If completely gutted it might be salvageable, but doubtful.

Current Owner: Punshon, Helen L. – Osawatomie

Current Status: Taxes current, no utilities since March 2013, no record of City maintenance. Staff indicates water was off prior to electric because of water leak sometime in past.



907 Pacific

Inspector Notes: This property has been vacant for some time. I don't believe that the cost of repairs would be worth saving this home.

Current Owner: Plum Creek Properties – Osawatomie

Current Status: Taxes delinquent, no utilities since Aug. 2011, no record of City maintaining.



908 Walnut

Inspector Notes: Vacant home. I have been told that the owner does intend to tear this home down “this summer”. I know the owner and I would question if his health would allow him personally to do this. This home does not appear to be structurally horrible and probably could be saved but not sure it’s worth it.

Current Owner: Dave Stewart – Osawatomie

Current Status: Taxes current, no utilities since Oct. 2007, no record of City maintenance.



334 Main

Inspector Notes: Recently lived in. This home might be worth saving if renovated.

Current Owner: Rhonda G. & Gerald O. Chase.

Current Status: Taxes delinquent, no utilities since April 2014, no record of City maintenance.



110 Brown

Inspector Notes: Letter sent to board up May 17, 2013 & was boarded up). I question if this home is worth saving. I think the cost would be near what the value would be once the work was completed.

Current Owner: Great Southern Bank – just bought back at Sheriff Sale. Great Southern has been contacted about this list and they cannot do anything with the property until after 05/20/14. They intend to try to sale it.

Current Status: Taxes current (because of sale), no utilities since August 2010. City mows.



136 Pacific

Inspector Notes: Letter sent to board up July 3, 2013 & was boarded up). I question if this home is worth saving. I think the cost would be near what the value would be once the work was completed.

Current Owner: Great Southern Bank – just bought back at Sheriff Sale. Great Southern has been contacted about this list and they cannot do anything with the property until after 05/20/14. They intend to try to sale it.

Current Status: Taxes current (because of sale), no utilities since March 2012. City mows.



1002 5th Street

Inspector Notes: The home has been posted “Do Not Occupy” do to sanitation reason. The tenant still has property in the home and has told me that he will move back in when he can get the utilities back on. I think this home needs work but I don’t feel it needs torn down. Angela recently sent a letter to the owner regarding nuisance issues and she spoke to him and he advises that the property would have a new owner soon.

Current Owner: RD/Properties Inc. – Dave Achey – Paola

Current Status: Taxes current, no utilities since May 2013. No record of City maintaining.



805 Chestnut

Inspector Notes: Damaged by fire May 23, 2007 & letter sent to owner 01/13/14. I think structurally this home could be saved.

Current Owner: Shannon Spellman – Osawatomie

Current Status: Taxes delinquent, not utilities since May 2007, City mows.



523 Chestnut

Inspector Notes: This structure was damaged by fire 04/13/2013. Owner was in process of selling the house at the time of the fire and recently has advised me he wants to sell it as is for \$5,000. Owner has talked of trussing the roof making it single story. Owner believes the foundation/basement is in great shape.

Current Owner: Dan & Teresa Wendt – Osawatomie

Current Status: Taxes current, no utilities since May 2007, no record of City maintaining.



512 5th Street

Inspector Notes: Zoned General-Business. Has a new roof. I thought until recently that a local person owned this property. The roofing contractor said that the local person lost his interest in the building. The contractor said he was going to be acquiring the property and talked with me several times in length about rehabbing the property. I have not heard from him in several months. I think that this property could be renovated. It needs to be evaluated by a structural engineer.

Current Owner: Ovaldyn Associates Inc. – Ft. Scott

Current Status: Taxes delinquent, no utilities since Feb. 2012, no record of City maintaining.



1635 Main.

Inspector Notes: The disposition of this property needs to be resolved. Was condemned in 2013.

Current Owner: Dennis & Joyce McGuire – deceased

Current Status: Taxes delinquent, no utilities since March 2011, City mows.



906 Walnut

Inspector Notes: Owner does say he has plans to put a new roof on this home “this summer”. I spoke with the occupant on May 6 and she stated that she has no problems with the house other than the roof and hopes that the house is not condemned stating she has no other place to go with her children. This home needs a roof desperately and could be saved with a good roof.

Current Owner: Dave Stuteville – Osawatomie

Current Status: Taxes delinquent, utilities on and current, no record of City maintenance.



500 Walnut

Inspector Notes: This structure is an old church. The primary structure could be saved but the addition on the south needs torn down before it falls the rest of the way down, roof gone on the south & west part of the addition and the roof is gone in the same areas..

Current Owner: In-Land Construction Services LLC – Olathe

Current Status: Taxes delinquent, no utilities since Dec. 2007, no record of City maintaining, but City regularly sends notices for mowing, but gets mowed.



1111 Main

Inspector Notes: This home is in need of repairs but I don't think it needs town down.

Current Owner: Deanna Krueger – Belton Missouri.

Current Status: Taxes current, not utilities since March 2012, no record of City maintaining.



**Cash Report - All Funds
2014**

<u>No.</u>	<u>Fund</u>	<u>Beginning Balance</u>	<u>Budget Revenues</u>	<u>Budget Expenditures</u>	<u>Proj. Ending Balance</u>	<u>YTD Revenues</u>	<u>YTD Expenditures</u>	<u>YTD Ending Balance</u>
1	General Operating Fund	\$ 202,578.56	\$ 2,239,922.02	\$ 2,267,714.51	\$ 174,786.07	\$ 757,254.98	\$ 530,362.48	\$ 429,471.06
2	Water Fund	206,189.85	878,767.66	903,466.98	181,490.53	201,957.79	181,418.67	226,728.97
3	Electric Fund	420,356.80	4,020,446.48	4,143,113.60	297,689.68	1,093,411.48	850,595.56	663,172.72
4	Employee Benefit Fund	20,523.22	695,268.09	705,972.75	9,818.56	363,305.76	192,251.25	191,577.73
5	Refuse Fund	5,510.67	380,000.00	379,700.00	5,810.67	98,930.92	71,595.77	32,845.82
6	Library Fund	98,394.18	8,600.00	111,854.00	(4,859.82)	10,312.03	885.82	107,820.39
7	Recreation Fund	-	69.00	782.87	(713.87)	3,339.82	3,339.82	-
8	Rural Fire Fund	4,173.60	43,720.00	43,720.00	4,173.60	3,826.40	11,216.84	(3,216.84)
9	Industrial Fund	35,121.46	35,600.00	62,785.00	7,936.46	19,586.81	4,172.41	50,535.86
10	Revolving Loan Fund	72,758.43	500.00	-	73,258.43	-	-	72,758.43
11	Special Parks and Recreation Fund	88,220.50	236,066.87	255,766.34	68,521.03	55,039.47	42,586.29	100,673.68
12	Street Improvements Fund	122,076.34	120,690.00	182,000.00	60,766.34	28,284.33	8,882.58	141,478.09
13	Bond & Interest Fund	88,616.74	760,708.00	808,495.00	40,829.74	246,468.68	72,332.50	262,752.92
14	Public Safety Equipment Fund	9,068.46	-	9,847.00	(778.54)	5.82	-	9,074.28
15	Insurance Proceeds Fund	0.84	15,500.00	15,500.00	0.84	-	-	0.84
16	Sewer Fund	383,947.55	776,123.63	893,880.24	266,190.95	207,805.06	175,146.80	416,605.81
17	Recreation Employee Benefits Fund	-	80.00	80.00	-	417.93	417.93	-
18	Golf Course Fund	26,038.37	260,606.79	255,122.62	31,522.55	45,079.34	35,910.31	35,207.40
19	Special Revenue - Fire Equipment	-	-	-	-	-	-	-
20	Special Revenue - 911 Fund	9,897.41	-	9,897.00	0.41	-	-	9,897.41
21	LLEBG Grant	-	-	-	-	-	-	-
22	Tourism Fund	7,979.00	70,450.00	74,380.00	4,049.00	17,470.94	2,870.26	22,579.68
23	Evidence Liability	14,361.29	-	-	14,361.29	-	1,461.50	12,899.79
24	Capital Improvements - General	210,479.32	130,000.00	145,000.00	195,479.32	25,000.00	7,019.00	228,460.32
25	Capital Improvements - Streets	19,158.54	-	-	19,158.54	-	-	19,158.54
26	Capital Improvements - Sewer	(301,209.31)	-	-	(301,209.31)	320,333.81	32,771.00	(13,646.50)
27	Capital Improvements - Grants	260,004.80	-	-	260,004.80	186.27	3,160.67	257,030.40
30	Clearing Fund	-	-	-	-	-	-	-
50	Cafeteria 125	14,098.88	50,000.00	56,000.00	8,098.88	18,605.68	6,699.11	26,005.45
51	Court ADSAP	7,661.00	3,000.00	3,000.00	7,661.00	-	-	7,661.00
52	Court Bonds	5,883.86	15,000.00	15,000.00	5,883.86	2,807.00	4,125.00	4,565.86
53	Forfeitures	257.29	-	-	257.29	-	-	257.29
54	Old Stone Church Donations	-	1,000.00	1,000.00	-	-	-	-
55	PayPal - Jamboree	95.65	-	-	95.65	-	-	95.65
		\$ 2,032,243.30	\$ 10,742,118.55	\$ 11,344,077.92	\$ 1,430,283.93	\$ 3,519,430.32	\$ 2,239,221.57	\$ 3,312,452.05

City of Osawatomie
Revenue Report
01/01/2014 to 03/31/14 PY YTD: 01/01/13 to 03/31/13

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change
Fund 01- General Operating				
Taxes				
Ad Valorem Tax	311,875.41	299,404.20	(12,471.21)	-4.0%
Del. Ad Valorem Tax	4,771.13	19,959.34	15,188.21	318.3%
Total Taxes	316,646.54	319,363.54	2,717.00	0.9%
Intergovernmental				
City Sales Tax	60,670.82	63,216.54	2,545.72	4.2%
County Sales Tax	78,832.10	83,979.66	5,147.56	6.5%
Compensating Use Tax-City	7,564.32	13,654.09	6,089.77	80.5%
Compensating Use Tax-County	11,483.40	13,684.43	2,201.03	19.2%
Motor Vehicle Tax	14,310.73	16,094.00	1,783.27	12.5%
Liquor Tax	1,000.74	745.70	(255.04)	-25.5%
RV Tax	102.82	193.87	91.05	88.6%
Total Intergovernmental	173,964.93	191,568.29	17,603.36	10.1%
Franchise Fees				
Gas Company Franchise Fees	28,179.23	28,484.57	305.34	1.1%
CATV Franchise Fees	13,605.17	6,928.94	(6,676.23)	-49.1%
Telephone Franchise Fees	-	6,080.20	6,080.20	0.0%
Electric Franchise Fees	984.61	1,199.12	214.51	21.8%
Total Franchise Fees	42,769.01	42,692.83	(76.18)	-0.2%
Licenses and Permits	5,470.25	5,735.23	264.98	4.8%
Charges for Services	10,635.00	9,245.00	(1,390.00)	-13.1%
Fines and Fees	29,817.58	24,557.03	(5,260.55)	-17.6%
Interest on Investments	6,594.13	3,205.15	(3,388.98)	-51.4%
Miscellaneous	142,339.32	160,887.91	18,548.59	13.0%
Total Revenue	728,236.76	757,254.98	29,018.22	4.0%
Fund 02 - Water				
Charges for Services	198,316.60	198,256.37	(60.23)	0.0%
Miscellaneous	3683.38	3701.42	18.04	0.5%
Total Revenue	201,999.98	201,957.79	(42.19)	0.0%

City of Osawatomie
Revenue Report
01/01/2014 to 03/31/14 PY YTD: 01/01/13 to 03/31/13

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change
Fund 03- Electric				
Charges for Services	890,536.96	1,039,385.44	148,848.48	16.7%
Interest on Investments	260.62	205.24	(55.38)	-21.2%
Miscellaneous	42,679.52	53,820.80	11,141.28	26.1%
Total Revenue	933,477.10	1,093,411.48	159,934.38	17.1%
Fund 04- Employee Benefit				
Taxes				
Ad Valorem Tax	275,047.41	307,292.34	32,244.93	11.7%
Del. Ad Valorem Tax	4,266.27	16,799.50	12,533.23	293.8%
Total Taxes	279,313.68	324,091.84	44,778.16	16.0%
Intergovernmental				
Motor Vehicle Tax	14,994.34	14,301.66	(692.68)	-4.6%
RV Tax	101.66	172.33	70.67	69.5%
Total Intergovernmental	15,096.00	14,473.99	(622.01)	-4.1%
Miscellaneous	23,123.23	24,739.93	1,616.70	7.0%
Total Revenue	317,532.91	363,305.76	45,772.85	14.4%
Fund 05- Refuse				
			-	
			-	
Charges for Services	95,523.54	98,780.92	3,257.38	3.4%
Miscellaneous	75.00	150.00	75.00	100.0%
Total Revenue	95,598.54	98,930.92	3,332.38	3.5%

City of Osawatomie
Revenue Report
01/01/2014 to 03/31/14 PY YTD: 01/01/13 to 03/31/13

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change
Fund 06-Library				
Taxes				
Ad Valorem Tax	-	-	-	0.0%
Del. Ad Valorem Tax	29.27	58.40	29.13	99.5%
Total Taxes	29.27	58.40	29.13	99.5%
Grant Receipts (Non CDBG)	-	8,600.00	8,600.00	0.0%
Interest on Investments	41.12	33.86	(7.26)	-17.7%
Miscellaneous	1,729.90	1,619.77	(110.13)	-6.4%
Total Revenue	1,800.29	10,312.03	8,511.74	472.8%
Fund 07-Recreation				
Taxes				
Ad Valorem Tax	63.32	56.99	(6.33)	-10.0%
Del. Ad Valorem Tax	805.55	1,308.43	502.88	62.4%
Total Taxes	868.87	1,365.42	496.55	57.1%
Intergovernmental				
Motor Vehicle Tax	2,891.18	1,949.71	(941.47)	-32.6%
RV Tax	19.87	24.69	4.82	24.3%
Total Intergovernmental	2,911.05	1,974.40	(936.65)	-32.2%
Total Revenue	3,779.92	3,339.82	(440.10)	-11.6%
Fund 08-Rural Fire				
Miscellaneous	-	3,826.40	3,826.40	0.0%
Total Revenue	-	3,826.40	3,826.40	0.0%

City of Osawatomie
Revenue Report
01/01/2014 to 03/31/14 PY YTD: 01/01/13 to 03/31/13

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change
Fund 09-Industrial				
Taxes				
Ad Valorem Tax	-	-	-	0.0%
Del. Ad Valorem Tax	3.16	6.81	3.65	115.5%
Total Taxes	3.16	6.81	3.65	115.5%
Miscellaneous	27,306.00	5,800.00	(21,506.00)	-78.8%
Sale of Fixed Assets	-	13,780.00	13,780.00	0.0%
Total Revenue	27,309.16	19,586.81	(7,722.35)	-28.3%

Fund 11-Special Parks & Recreation

Intergovernmental				
Liquor Tax	1,000.73	745.70	(255.03)	-25.5%
Grant Receipts (Non CDBG)	35,000.00	-	(35,000.00)	-100.0%
Total Intergovernmental	36,000.73	745.70	(35,255.03)	-97.9%
Charges for Services	5,760.00	7,008.95	1,248.95	21.7%
Miscellaneous	48,343.79	47,284.82	(1,058.97)	-2.2%
Total Revenue	90,104.52	55,039.47	(35,065.05)	-38.9%

Fund 12-Street Improvement

Intergovernmental				
Gasoline Tax	27,686.25	28,284.33	598.08	2.2%
Total Intergovernmental	27,686.25	28,284.33	598.08	2.2%
Total Revenue	27,686.25	28,284.33	598.08	2.2%

City of Osawatomie
Revenue Report
01/01/2014 to 03/31/14 PY YTD: 01/01/13 to 03/31/13

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change
Fund 13- Bond & Interest				
Taxes				
Ad Valorem Tax	128,094.43	136,016.80	7,922.37	6.2%
Del. Ad Valorem Tax	2,011.53	7,854.40	5,842.87	290.5%
Total Taxes	130,105.96	143,871.20	13,765.24	10.6%
Intergovernmental				
Motor Vehicle Tax	6,440.46	7,473.16	1,032.70	16.0%
RV Tax	47.79	90.55	42.76	89.5%
Total Intergovernmental	6,488.25	7,563.71	1,075.46	16.6%
Miscellaneous	123,456.75	95,033.77	(28,422.98)	-23.0%
Total Revenue	260,050.96	246,468.68	(13,582.28)	-5.2%
Fund 14- Public Safety Equipment				
Taxes				
Ad Valorem Tax	-	-	-	0.0%
Del. Ad Valorem Tax	3.08	5.82	2.74	89.0%
Total Taxes	3.08	5.82	2.74	89.0%
Total Revenue	3.08	5.82	2.74	89.0%
Fund 16-Sewer				
Charges for Services	210,612.88	207,805.06	(2,807.82)	-1.3%
Total Revenue	210,612.88	207,805.06	(2,807.82)	-1.3%

City of Osawatomie
Revenue Report
01/01/2014 to 03/31/14 PY YTD: 01/01/13 to 03/31/13

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change
Fund 17 -Recreation Employee Benefits				
Taxes				
Ad Valorem Tax	7.92	7.14	(0.78)	-9.8%
Del. Ad Valorem Tax	100.82	163.50	62.68	62.2%
Total Taxes	108.74	170.64	61.90	56.9%
Intergovernmental				
Motor Vehicle Tax	361.51	244.20	(117.31)	-32.5%
RV Tax	2.48	3.09	0.61	24.6%
Total Intergovernmental	363.99	247.29	(116.70)	-32.1%
Total Revenue	472.73	417.93	(54.80)	-11.6%

Fund 18- Golf Course

Charges for Services	36,269.07	33,053.90	(3,215.17)	-8.9%
Miscellaneous	7,569.97	12,025.44	4,455.47	58.9%
Total Revenue	43,839.04	45,079.34	1,240.30	2.8%

Fund 22- Tourism

Intergovernmental				
Transient Guest Tax	4,754.57	4,687.71	(66.86)	-1.4%
Total Intergovernmental	4,754.57	4,687.71	(66.86)	-1.4%
Charges for Services	1,000.00	783.23	(216.77)	-21.7%
Miscellaneous	13,299.95	12,000.00	(1,299.95)	-9.8%
Total Revenue	19,054.52	17,470.94	(1,583.58)	-8.3%

Fund 24- Capital Improvements-General

Miscellaneous	21,575.80	25,000.00	3,424.20	15.9%
Total Revenue	21,575.80	25,000.00	3,424.20	15.9%

City of Osawatomie
Revenue Report
01/01/2014 to 03/31/14 PY YTD: 01/01/13 to 03/31/13

	PY YTD Actual \$	CY YTD Actual \$	CY Over PY YTD Variance	% Change
Fund 26- Capital Improvements-Sewer				
Miscellaneous	-	320,333.81	320,333.81	0.0%
Total Revenue	-	320,333.81	320,333.81	0.0%
Fund 27-Capital Improvements-Grants				
Miscellaneous	-	186.27	186.27	0.0%
Total Revenue	-	186.27	186.27	0.0%
Fund 50- Cafeteria 125				
Miscellaneous	16,018.84	18,605.68	2,586.84	16.1%
Total Revenue	16,018.84	18,605.68	2,586.84	16.1%
Fund 51-Court ADSAP				
Miscellaneous	600.00	-	(600.00)	-100.0%
Total Revenue	600.00	-	(600.00)	-100.0%
Fund 52- Court Bonds				
Miscellaneous	729.5	2807	2,077.50	284.8%
Total Revenue	729.5	2807	2,077.50	284.8%
Grand Total Revenue	3,000,482.78	3,519,430.32	518,947.54	17.3%