

OSAWATOMIE CITY COUNCIL

AGENDA

July 11, 2013

6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. 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 Minutes of June 13 and June 27 Council Meetings
 - B. Approve July 11 Agenda
 - C. Appropriation Ordinances 2013-06
5. Presentations; Comments from the Public
 - A. Presentation by Representative from the Kansas Energy Office
 - B. Presentation by Mike Bosch from Reflective Group/Dawn Fiber
 - C. Presentation by Doug Walker on Rail Banking
 - D. Public Comments
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
6. Public Hearing – none
7. Unfinished Business
 - A. Charter Ordinance No. 16 – Action on Petition
8. New Business
 - A. Appointments - none
 - B. KDHE Sewer Loan Documents
 - C. Budget Work Session
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session
13. Adjournment

SPECIAL BUDGET WORKSHOP – Wednesday, July 17, 2013

REGULAR MEETING – July 25, 2013

REGULAR MEETING – August 8, 2013

Osawatome, Kansas. **June 13, 2013.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:30 p.m. Council members present were Dickinson, Farley, Hampson, Hunter, LaDuex, Martin, and Walmann. Absent was Maichel. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Will Cutburth, Rita Clary, Phil Dudley, Joe Diedeker, Mike Brewer, Flora Brown, Bill Graves, Mike Moon, Don Jordan, WL Marsh, Rick Anderson, Alan Haag, Willard Maichel, Brad Waggoner, and Coleen Truelson.

Maichel arrived at 6:31 p.m.

CONSENT AGENDA. Approval of the minutes of May 9 and May 23 Council Meetings, approval of June 13 Agenda, and approval of Appropriation Ordinance 2013-5.

Motion made by Hunter, seconded by LaDuex to approve the minutes of May 9 and May 23 Council Meetings, approval of June 13 Agenda as amended, and approval of Appropriation Ordinance 2013-05. Yeas: All.

Public Participation; Presentations:

Will Cutburth, 321 Carr, said he had good news. The Reflective Group, located in Baldwin, Kansas, has created Dawn Fiber to bring an all-fiber internet to small communities. They are looking to partner with a municipality in financing the infrastructure. He has set up his own company and is an intern at Reflective Group. He and the Reflective Group CEO will be at the next meeting.

Public Hearings:

CONSIDERATION OF APPLICATION TO THE KDHE KS WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT. The Public Hearing opened at 6:39 p.m. Improvements include a new mechanical multirake barscreen, grit separation equipment and concrete masonry block building. These are required to remove inorganic solids from the wastestream and properly convey the average daily and peak daily flow rates that are experienced at the Wastewater Treatment Plant at 29366 West 347th Street. The estimated project cost and loan request is \$813,200. The hearing was opened for questions. There were no comments from the public. Rita Clary, with the Kansas Rural Water Association, said the loan application has been submitted and will be reviewed next week; BG Consultants, the City's Engineer, needs to submit the plan design; and the equipment has been ordered. The Hearing closed at 6:42 p.m.

Unfinished Business: none

New Business:

APPOINTMENTS. none

CONSIDER APPROVAL OF FIREWORKS STAND AND FIREWORKS DISPLAY.

a. Moon's IGA. [Moon's Discount Fireworks].

b. City Fireworks Display (City Lake).

Motion made by Maichel, seconded by Hunter to approve Moon's Hometown Market and the City Fireworks Display at the Lake. Yeas: All. Amended to Moon's Discount Fireworks. Yeas: All

EXEMPTION FOR CONCEALED CARRY HB 2052. House Bill 2052 authorizes the carrying of concealed weapons in state and municipal buildings unless metal detectors and personnel are stationed at each public entrance. It goes into effect July 1, but allows cities time to assess buildings and make determinations by sending a letter to the Attorney General and local law enforcement. This will give the City until January 1, 2014 to make determinations on how to deal with these changes. The Bill also provides a four-year exemption from the law if the City decides to establish a security plan and adopt

a resolution to exempt certain buildings. Motion made by LaDuex, seconded by Dickinson to authorize Mayor Govea to sign the letter on behalf of the Council and send to the Attorney General. Yeas: All.

REVIEW RESOLUTIONS FOR TOURISM COMMITTEE AND PUBLIC SAFETY COMMITTEE. Two draft resolutions were presented. The Tourism Committee is created in response to the passage of Charter Ordinance No. 15 which removed the Committee creation to a regular ordinance or resolution. The Public Safety Committee is officially established. The committee has no specific authorization for operation. The drafts were reviewed and feedback was provided to staff.

HEALTH INSURANCE RENEWAL. A few weeks ago, learned that the medical insurance renewal was going to be a 34% increase over the current year. After reviewing alternatives and options, only United Health Insurance's proposal provided any real relief. United's proposal would be a 16% increase over last year and would include better copays and a prescription drug plan before deductibles, but would have some higher deductibles and co-insurance. The employee health insurance committee reviewed this plan and agreed it is the best solution. Motion made by Walmann, seconded by Hunter to approve the plan and to change the rate to 70% for family. Yeas: Dickinson, Hampson, Hunter, LaDuex, Maichel, Martin, and Walmann. Nay: Farley. Motion passed.

ZOYSIA PROPOSAL FOR GOLF COURSE. The Golf Course Committee proposed a plan to turn all of the fairways to Zoysia grass. It is durable, repels weeds, is disease resistant and can tolerate wide variations in temperature, sunlight and water. Received three bids to sprig the course. SelecTurf's estimate equates to \$40,000 to sprig the fairways at a rate of 1,000 bushels per acre. The Members Association agreed to a rate increase which would pay off the improvement. Charging an interest rate of 2.0% makes the payment about \$5,500 per year for eight years. Membership fees would be raised by the estimated \$5,500 per year to cover the cost. Motion made by LaDuex, seconded by Maichel to approve the Zoysia purchase from SelecTurf. Yeas: All.

Bill Graves, 409 Chestnut, complained about the house next to him at 403 Chestnut. The grass is 2½-3 inches high, the eaves are falling off, the porch and roof collapsed, and the chimney is away from the house.

RESOLUTION – FEE TABLE UPDATE. The changes reflect the Golf Course memberships increases to pay for the Zoysia and also the animal fees due to the ordinance change.

Maichel left at 8:09 p.m.

Farley left at 8:11 p.m.

Motion made by LaDuex, seconded by Hampson to approve the Fees Table. Yeas: All. The Resolution was assigned No. 668.

Council Reports:

Martin: Next month working with the local school district on a mentoring program for the community youth.

Walmann: Those helping with the employees' pig roast will gather after the meeting.

LaDuex: Ward 3 will be having their ice cream social June 23 at Anna January Park on South Street. The Library Pancake Fee raised \$1,000.

Hunter: Their ice cream social was June 2 with about 42-48 people in attendance. The Band of Oz played.

Hampson: Attended the Parks & Recreation Committee meeting. Summer ball is in full swing. There will be a 3-on-3 basketball tournament at the High School on June 22, the Saturday of John Brown

Jamboree. The pool shuttle to Spring Hill started. There were 21 tickets purchased and only 3 rode the bus.

Mayor's Report:

The Ice Cream Socials will be held in Ward 3 on June 23, Ward 4 on July 18, and in Ward 2 on August 10.

City Manager's Report:

This Saturday is the kick off the Jamboree. At Tailgators there will be an 80's dance preceded by an 80's trivia contest. This is a fundraiser for the Osawatome Rotary City Lake Project. The Osawatome Library will have two special Free Movies in the Park. Going along with the 80's theme the movie on Wednesday will be "Back to the Future" and Thursday will be "Indiana Jones."

Projects:

Park Bathroom. The Park bathroom roof is complete and the building has been painted. The bathroom will look as good as possible for the Jamboree with staff work on getting the inside cleaned up and painted as well.

Sludge Press. The sludge press demonstration May 29th and went very well. It ran for almost 11 hours and didn't fill up a roll-off dumpster. Probably will only need to run it about 12 hours a week to keep up with supply. The Sewer Plant has a good setup to put a press in and piping and other work will be minimal. The press is very easy to use and seems to really solve the odor problem.

Issues:

Sweeper Demo. There will be a demonstration of a new Street Sweeper-Vacuum on June 24th. A couple of others will be tried out to see what is needed.

Motion made at 8:37 p.m. by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Osawatomi, Kansas. **June 27, 2013.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:35 p.m. Council members present were Dickinson, Farley, Hampson, Hunter, LaDuex, Maichel, and Walmann. Absent was Martin. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Lisa Farley, Ben Wendt, and Coleen Truelson.

APPROVAL OF AGENDA. Motion made by Maichel, seconded by Hampson to approve the agenda as amended. Yeas: All.

Public Participation; Presentations:

Lisa Farley, 1123 Main, said at the ball fields there are sewer issues around the playground. City Manager Cawby said the lines were cleaned out twice neither time working. Put a camera in the line and believe it is fixed. Planned on putting in grant to the Baehr Foundation. The replacement of the main building is in the 2014 budget.

Public Hearings: none

Unfinished Business:

RESOLUTION TO CREATE THE TOURISM COMMITTEE. Motion made by Hunter, seconded by LaDuex to approve the resolution establishing the Tourism Committee and delegating powers and responsibilities. Yeas: All. The Resolution was assigned No. 669.

RESOLUTION TO CREATE THE PUBLIC SAFETY COMMITTEE. Motion made by Hunter, seconded by LaDuex to approve the resolution establishing the Public Safety Committee. Yeas: All. The Resolution was assigned No. 670.

New Business:

APPOINTMENTS. none

RESOLUTION TO ADOPT PERSONNEL POLICY AMENDMENT. The new concealed carry law authorizing the carrying of concealed weapons in state and municipal buildings also allows employees to carry concealed weapons while at work, unless the city has a personnel policy which prohibits it. This amendment to the personnel policies adds a provision to prohibit both concealed and open carrying of weapons while on duty and when in or on City property. Motion made by Farley, seconded by Hunter to approve the resolution amending the Personnel Policies and Guidelines with "Such term does not include an antique firearm." removed from K-11.(a). Yeas: All.

Ben Wendt, 127 14th Street, did not realize the meeting had been moved to 6:30 p.m. He talked about the problems at the ball park. The restroom and concession stand need work. Also there is hardly anything dealing with handicap accessibility. The City Manager is to come back with suggestions.

BUDGET WORK SESSION. City Manager Cawby went over the proposed Capital Improvements Plan for 2014-2018. The 2013 CIP was included with revisions.

Council Reports:

Maichel: Frustrated about the streets in Ward 4 always getting moved down so they don't get done. Has received more and more complaints on nuisances. The alleys need to be mowed.

LaDuex: The Library Director appreciates what the City employees do on regular maintenance and with just recently the trucks. The young summer employees were very patient. The ward had their Ice Cream Social and a wonderful time was had by all.

Walmann: August 17 is when the Council will be doing the pig roast for the employees.

Maichel talked about the Midway Drive-In fundraising being done so they can buy digital equipment. Mayor Govea said Channel 5 interviewed Maichel on saving the Midway Drive-in.

Mayor's Report:

John Brown Jamboree was successfully done.

City Manager's Report:

Saturday morning of the Jamboree ran to City Hall and then stopped at Sonic. It was packed and that was exactly what was wanted from the Jamboree, to create that kind of business and excitement.

Projects: none

Issues

Pool Shuttle & Trips. Staff reports that ridership of the Paola Shuttle has picked up over the past couple of weeks. Sixty pool passes have been sold. Wednesday, there were about 20 people using the service. There also has been an increase in the Pool Trips. There were 21 the second week the bus went to Spring Hill. Had a good group to Paola today, despite the weather. Nine went go to Gardner.

Budget-Tax Valuation. Received the annual valuation from the County and the City's valuation dropped by 0.9% from 2012. This calculates to about a \$13,000 reduction in total property taxes levied.

Rail-banking. There is a small portion of the Flint Hills Trail that has not yet been rail-banked. It is a section directly behind Trojan Elementary and going about a ½ mile to the west. At the next meeting plans on there being discussion and will ask Doug Walker to come and answer questions about this issue.

T-Bones Game. July 28 the Recreation Department and the Library are sponsoring a community field trip to watch a T-Bones baseball game. The bus ride is free.

Motion made at 9:15 p.m. by Hunter, seconded by Dickinson to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 2013-06

DATE WARRANTS ISSUED:
June 30, 2013

Page No. 1

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	GRDA Electricity	1352	107,548.25
KMEA	SPA Hydro Electricity	1353	3,160.84
Midwest Distributors	Miller	41764	135.80
Crawford Sales Company	Budweiser	41765	236.60
Ace Pest Control, LLC	Pest Control	41766	475.00
Altec Industries, Inc.	Permanent Mount Light	41767	458.47
AT&T	RTU'S	41768	221.76
ATCO International	Quickies	41769	152.80
Baker & Taylor	Books	41770	559.54
Blue Valley Tractor & Supply	Drive Belt	41771	85.91
Bob's Sales & Service	Recharge Fire Extinguisher	41772	103.00
Bollings Bargain	Tape Measure, Screws	41773	16.95
Branday Communications	Radio Advertising	41774	300.00
Brenntag Mid-South, Inc.	Hypochlorite, Muriatic Acid, Sulfate	41775	3,147.90
Cintas Fire Protection	Recharge Fire Extinguisher	41776	413.67
City of Osawatomie	Utilities	41777	13,079.31
Dive Rescue International, Inc.	Student Recert Kit & Manual	41778	281.27
Evco Wholesale Food Corp.	Beef, Gatorade, Salad, Sugar	41779	419.69
Family Center	Trimmers, Fiberglass Kit, Keys	41780	1,941.83
G. K. Smith & Sons, Inc.	Two Commercial Dehumidifiers	41781	6,296.00
Vance Gorman	Baseball Official	41782	60.00
Home Depot	Recip Saw Kit, Breakers	41783	309.38
John Deere Financial	Bushing	41784	4.50
John Deere Landscapes	Field Conditioner, Emerald	41785	1,039.74
Jacob Johnson	Baseball Official	41786	140.00
Kansas Department of Commerce	JTC Oil Lease-July	41787	1,000.00
Kansas Department of Revenue	Sales Tax	41788	964.95
Kansas One Call	Locates	41789	105.00
Kansas State Treasurer	Training Funds	41790	695.00
KC Bobcat	Auger Bit & Drive, Mounting Frame	41791	454.20
L & K Services, Inc.	Refuse, Refuse Stickers	41792	219.25
Lybarger	Fuel	41793	11,182.65
Christle Macek	Banners, Facebook Ads, Cardstock	41794	2,346.77
Robert Neal II	Baseball Official	41795	65.00
Drew Needham	Baseball Official	41796	85.00
Doug North	Baseball Official	41797	140.00
Northeast Kansas Library Systems	Library Courier Service	41798	900.00
Osawatomie Pet Clinic	Parvo Vaccination	41799	152.25
Overland Door	Garage Doors	41800	1,597.00
Paola Hardware	P-Trap, Silicone, Valve, Copper	41801	178.20

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Pat's Signs	Yard Sign for Ice Cream Social	41802	17.50
Quill	Cash Register, Software, Clipboards	41803	486.58
Red Bud Supply, Inc.	Safety Glasses	41804	133.54
RMI Golf Carts	Gauge Level	41805	13.82
Rural Water District 1	Service	41806	154.15
Suddenlink	Internet	41807	413.99
Larissa Thompson	Baseball Official	41808	50.00
Turfwerks	Radio Kit	41809	769.81
Viking Industrial Supply	Trash Bags, Toilet Tissue	41810	325.99
Wade Quarries	Rock	41811	256.27
Jenna Wendt	Baseball Official	41812	25.00
John Wendt	Baseball Official	41813	140.00
KMEA	WAPA Electricity	1354	9,940.36
Crawford Sales Company	Budweiser	41814	236.00
Midwest Distributors	Miller	41815	135.80
Airgas Midsouth	Oxygen Cylinder	41816	68.85
Apparatus Services, LLC	Repair Plumbing Leak in Tank	41817	279.79
BMI	Even License	41818	327.00
Bob's Sales and Service	2 Fire Extinguishers	41819	122.00
Dale Bratton	Baseball Official	41820	90.00
Brewer's Automotive Repair	Tow Charge	41821	50.00
Don Cawby	Foam Stick Batons	41822	128.40
Chrome Bullet Tours, Inc.	Performance-Jamboree	41823	4,000.00
Comm Tronix	Power Supply	41824	383.00
Mike Criddle	Baseball Official	41825	65.00
Daze 2 Knightz	Performance-Jamboree	41826	300.00
Demco, Inc.	Jacket Covers, Book	41827	163.85
Design Mechanical, Inc.	Shut Down Boilers	41828	259.00
Direct Solutions	Celsius	41829	87.55
Dish Network	Service	41830	94.89
John Dixon	Sound & Stage-Jamboree	41831	3,160.00
Donna & Viola's Shirts	Shirts	41832	3,998.78
Drake-Scruggs Equipment	Filter	41833	42.73
Tara Elisha	Performance-Jamboree	41834	300.00
Elliott Insurance, Inc.	Weather Policy	41835	1,630.00
Energy Consulting	Emg, Inc.	41836	1,000.00
Entersect	Police Online	41837	79.00
Tammy Filipin	Snacks for Summer Reading	41838	254.26
Gerken Rent-All, Inc.	Portable Toilet	41839	280.00
Vance Gorman	Baseball Official	41840	140.00
Hach Company	Lamp Replacement Assembly	41841	127.95
Hanes Florist & Greenhouse	Flowers	41842	35.00
Austin Harper	Baseball Official	41843	70.00
Jerry's Sports Center	Ammo	41844	758.10
Jacob Johnson	Baseball Official	41845	245.00

Record of Ordinances

DATE WARRANTS ISSUED:
June 30, 2013

Page No. 3

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Kansas Dept of Health & Environment	WWTF Operator Certificate	41846	20.00
Kansas Dept of Revenue	Sales Tax Penalty	41847	865.48
Kansas Municipal Utilities	Lineman Apprenticeship	41848	500.00
Kustom Signals, Inc.	Antennas	41849	107.00
L & K Services, Inc.	Sludge Haul Off	41850	33,128.16
League of KS Municipalities	Webinar-Fireworks	41851	150.00
Logan Mize, LLC	Performance-Jamboree	41852	1,000.00
Louisburg Ford Sales, Inc.	Bushing, Brake Kit	41853	33.78
Martin, Pringle, Oliver	Municipal Matters, City Prosecutor	41854	6,483.40
Wendy McCoy	Pickles, Sunflower Seeds	41855	213.66
Miami County Sheriff's Dept.	Prisoner Care	41856	1,636.71
Miami Lumber, Inc.	Paint	41857	714.93
Mid States Energy Works, Inc.	Labor Tie Breaker	41858	586.17
Moon's Hometown Market	Cake	41859	1,043.19
Robert Allen Neal II	Baseball Official	41860	380.00
Drew Needham	Baseball Official	41861	145.00
Douglas North	Baseball Official	41862	275.00
Daniel Oglesby	Baseball Official	41863	100.00
Oil Patch Pump & Supply, Inc.	Coupling, Tee	41864	63.17
Olathe Winwater Works	Pipe	41865	80.00
Paola American Legion	Baseball Tournament	41866	200.00
Pepsi	Pop, Gatorade, Cups, Straws	41867	1,464.23
Rejis Commission	Leweb Subscription	41868	31.50
Ricoh Americas Corp.	Copier Lease	41869	289.00
Ricoh Americas Corp.	Copier Lease-PD	41870	183.90
Ricoh Americas Corp.	Copies-PD	41871	157.11
Meagan Roth	Baseball Official	41872	50.00
Superior Lamp	Heavy Duty Bulbs	41873	1,161.98
Mitch Talley	Baseball Official	41874	40.00
Larissa Thompson	Baseball Official	41875	40.00
Tri-County Ice Co., Inc.	Car Wash Tokens	41876	200.00
Elizabeth Trigg	Craft Supplies	41877	44.11
University of Kansas	Water & Wastewater School	41878	75.00
UPS Store	Package	41879	203.51
UZ Engineered Products, LLC	LED HP Holder	41880	418.09
Vernon's Electric & Outboard	Labor-Electric Motor	41881	93.76
Visa	Folding Tables, DVDS, Seeds	41882	2,025.19
Visa	Camera, Lodging, Wristbands	41883	4,607.15
Wendt's Construction	Repair Park Bathroom Roof	41884	6,100.00
John Wendt	Baseball Official	41885	155.00
Winfield Solutions, LLC	Field Conditioner	41886	255.00
Winkler, Domoney & Schultz	Municipal Court Judge	41887	2,000.00
Winterscheid Auto Parts	Solenoid, Filters, Belts, Plugs	41888	1,064.27
City of Osawatomie	Petty Cash Reimbursement	1355	1,752.28
Midwest Distributors	Miller	41889	1,605.00

Record of Ordinances

DATE WARRANTS ISSUED:
June 30, 2013

Page No. 4

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Kevin Rome	Performance-Jamboree	41890	1,500.00
John Dixon	Performance-Jamboree	41891	500.00
Almost Kiss	Performance-Jamboree	41892	1,500.00
KC/DC	Performance-Jamboree	41893	1,500.00
Crawford Sales Co.	Performance-Jamboree	41894	174.90
Jake Allen	Baseball Official	41895	140.00
Levi Ashmore	Baseball Official	41896	40.00
Avalon Specialties, Inc.	Lanyards	41897	863.75
Baker & Taylor	Books	41898	1,274.85
BG Consultants, Inc.	Consulting Services	41899	5,319.50
Bradley A/C & Heating	Replace Motor, Repaired Compressor	41900	784.02
Dale Bratton	Baseball Official	41901	110.00
Brenntag Mid-South, Inc.	Alum Ground, Hypochlorite	41902	14,810.72
BSN Sports	Baseballs, Umpire Face Mask	41903	637.42
Century Link	RTU'S	41904	236.56
City of Osawatomie	Change for Jamboree	41905	800.00
CNH Capital	Seal	41906	27.16
Ryan Crowley	T-Balls	41907	48.93
Elliott Insurance	Quarterly Premium	41908	48,288.00
Vance Gorman	Baseball Official	41909	210.00
Graybar	Wire	41910	3,405.09
Eric Haefele	Baseball Official	41911	40.00
Hasty Awards	Trophy	41912	12.78
Jacob Johnson	Baseball Official	41913	150.00
KCPL	Service	41914	1,124.29
Kansas Department of Revenue	Sales Tax	41915	9,709.55
Kansas Department of Revenue	Compensating Use Tax	41916	481.77
Kansas Department of Revenue	Sales Tax	41917	206.52
Kelcon	Remove Virus, Configure Laptop	41918	1,160.00
Key Equipment	Hoses, Nozzle	41919	2,023.31
Killough Construction	Asphalt	41920	1,899.50
Kriz-Davis Co.	Lighting Arrestors, Coupling, Ballast	41921	1,699.82
Craig Lundgren	Emcee, Sounds & Lights	41922	200.00
Miami County Road & Bridge	Rock	41923	114.90
Miami County Television	Advertising	41924	50.00
Void		41925	-
National Sign Company	Street Signs, Posts	41926	298.80
Robert Neal	Baseball Official	41927	150.00
Drew Needham	Baseball Official	41928	140.00
NEKLS	DVD/CD Cases	41929	22.80
NPG Newspapers	Jamboree Advertising	41930	403.20
Osawatomie Rotary Club	Semi-annual Dues	41931	120.00
Pat's Signs	Yard Signs, Stakes, Banners	41932	900.00
Meagan Roth	Baseball Official	41933	40.00
Sprint	Service	41934	18.85

Record of Ordinances

DATE WARRANTS ISSUED:
June 30, 2013

Page No. 5

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Larissa Thompson	Baseball Official	41935	170.00
Elizabeth Trigg	Craft Supplies, Pillowcases	41936	269.54
Unemployment Insurance Services	Unemployment Insurance	41937	400.00
John Wendt	Baseball Official	41938	210.00
Wycoff's Locksmithing	Adjust Door Lock	41939	65.00
Karen Waldrup Music	Performance-Jamboree	41940	1,200.00
KMEA	EMP Electricity	1356	18,931.46
Crawford Sales Company	Budweiser	41941	536.20
Void		41942	-
Midwest Distributors	Miller	41943	135.80
Brad Waggoner	Pro Shop	41944	2,363.19
City of Colby	Electric Meters	41945	1,000.00
Levi Ashmore	Baseball Official	41946	40.00
Athco	Bucket Seat	41947	315.00
Back Home Nursery	Plants	41948	107.00
Bollings Bargain	Ropes, Screws, Bits, Cord	41949	32.60
Dale Bratton	Baseball Official	41950	260.00
Brewer's Automotive Repair	Tubes	41951	74.62
C & G Merchants Supply, Inc.	Candy, Chips, Towels, Cups, Lids	41952	1,262.79
Century Link	Service	41953	2,265.83
Century Link	Long Distance	41954	241.19
CJ Feeds & Supply, Inc.	Straw	41955	45.00
Coventry Health & Life Insurance	Health Insurance	41956	24,402.12
Delta Dental	Dental Insurance	41957	2,743.09
Eastech Flow Controls, Inc.	Sensors/Flowmeters	41958	2,993.04
Farmers Union	Hydrated Lime	41959	46.60
Hasty Awards	Trophy, Ribbons	41960	310.85
Kansas Gas Service	Services	41961	457.24
KC Golf Cart Company, LLC	Cart Rental	41962	500.00
Killough Construction, Inc.	Asphalt	41963	2,583.90
KU Fire and Rescue	Fire Class	41964	495.00
Lacal Equipment, Inc.	Dirt Shoe Spring	41965	487.96
Logan Contractors Supply, Inc.	Temporary Fence	41966	424.45
Samantha McCullough	Baseball Official	41967	260.00
Navrat's Office Products	Adding Machine Paper, Receipt Books	41968	245.19
ND&H, LC	Attorney Fee	41969	230.00
Drew Needham	Baseball Official	41970	65.00
New Century Dodge	Headlamp	41971	44.00
Osawatomie Chamber of Commerce	Appropriation	41972	10,000.00
Oz Mart	Fuel	41973	165.01
Pat's Signs	Yard Signs, Banner, Pop/Water Sign	41974	107.00
Pioneer Manufacturing Company	Athletic Field Paint	41975	327.50
Praxair	Welding Supplies	41976	165.32
Quality Tree Service	Trim Trees for Power Lines	41977	2,100.00
Reeves-Wiedeman Co.	Water Cooler	41978	325.00

FLINT HILLS AND LANDON NATURE TRAILS




Flint Hills Nature Trail—Herington to Osawatometie—119 miles

Landon Nature Trail—Topeka to Quenemo— 38 miles

Useable by Hikers, Bicyclists, Equestrians and Wagoneers

Open Sunrise to Sunset 356 Days a Year

Longest Privately Managed Rail-Trail in the Country.

-  Open, Completed with Screenings—61 miles
-  Open, Ballast Removed, Bridges are not railed and may be open tie. Proceed with Caution—22 miles
-  Undeveloped—73 miles



Kanza Rail Trail Conservancy

We are volunteers using donations and grants to convert two out-of-service rail corridors into non-motorized trails for public use. We are developing connections and partnerships wherever possible.

How we do it.

We rely on membership annual dues, donations, and charitable grants to fund development and operations. Volunteers do much of the actual work and local contractors are hired in some instances. Materials, equipment, and services are many times donated or provided at a reduced rate in developing the trails. Each local area has a "division" of volunteers who work to plan and carry out projects in development and maintenance of trail in their area. As each division builds outward along the trail, the sections will connect into one trail. a sense of connection.

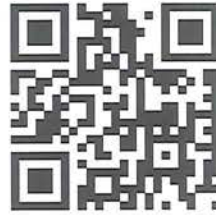
How we are organized.

The KRTC has an elected board of directors. The board members act as Directors and Coordinators in their local volunteer division. The Divisions are organized within each county, with boundaries overlapping to dividing points such as highways, etc. The board meets in various locations along the trails on a regular basis throughout the year. The president, vice-president, treasurer, and secretary are elected from the board at the annual meeting also.

What does it cost?

Nothing. It is free to use our trails and wildlife areas. There are many studies and surveys which have demonstrated the positive cost versus benefit of rail-trails to local communities, states, and our nation. A trail built by volunteers and donations, which is free to use, and brings visitors into a community where they spend money. We believe this to be what many would call a "no-brainer" when asked if it was a good idea.

Check us out on the web



We are consistently opening more of the trails. To learn more, make a donation, or find out how you can volunteer visit our website at www.kanzatrails.org



www.facebook.com/#!/groups/220484465525/?fref=ts



Kanza Rail-Trails
Conservancy Inc
PO BOX 3863, Topeka, KS 66604-6863
A 501(c)3 nonprofit corporation

Flint Hills and Landon Nature Trails

*Ride 'em
Bike 'em
Hike 'em
Build 'em
Maintain 'em*



Kanza
Rail Trail Conservancy

www.kanzatrails.org



Google earth



**RICHARD M. FISHER, JR LLC
Attorney at Law**

**549 Main Street
P.O. Box 54
Osawatomie, KS 66064**

**Tel. (913)755-4330
Fax (913)755-6788**

June 28, 2013

Ann Elmquist
City Clerk
5th & Main
Osawatomie, Kansas 66064

Dear Ann:

I am submitting herewith protest petitions concerning Charter Ordinance Number 16 for the City of Osawatomie.

If you have any questions, please do not hesitate to contact my office.

Sincerely,
Richard M. Fisher, Jr. LLC


By: Richard M. Fisher Jr.
RMF/aac

Encl.

City of
Osawatomie
JUN 28 2013
RECEIVED

*Ann Elmquist
City Clerk*

PETITION

Shall the following Charter Ordinance Number 16 for the City of Osawatomie, Kansas become effective?

We, the undersigned, pursuant to Kansas Statutes Annotated 25-3601 et seq. hereby request that Charter Ordinance 16 of the City of Osawatomie, Kansas approved by the Governing Body of the City of Osawatomie on April 25, 2013, exempting the City from Provisions of K.S.A. 12-1758, K.S.A. 12-1760, and K.S.A. 12-1767 relating to Public Building Commissions and Revenue Bonds and providing substitute and additional provisions relating thereto, be submitted to a vote of the electors.

We request an election to determine whether said Charter Ordinance Number 16 of the City of Osawatomie, Kansas will become effective.

The following question should be placed upon the ballot:

"WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act") provides that cities may exercise certain home rule powers, including passing Charter ordinances exempting such cities from certain acts of the Kansas Legislature and which may enact substitute or additional provisions on the same subject; and

WHEREAS, the City of Osawatomie, Kansas (the "City") is a city defined in the Act; duly created, organized and existing under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 are a part of an enactment of the Kansas Legislature (K.S.A. 12-1757 et seq.) relating to public building commissions and the issuance of revenue bonds by such commissions, which enactment is applicable to the city, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the city desires, by Charter ordinance, to exempt the city from the provisions of K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 identified in this ordinance, and provide substitute and additional provisions on the same subject in order to provide (a) additional and alternative methods for financing certain public facilities and buildings in the city, and (b) an exemption from a protest period relating to the authorization of certain revenue bonds.

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

Section 1. Exemption from K.S.A. 12-1758(a). The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1758(a) and does hereby provide the following substitute and additional provisions in place thereof:

- (a) The city, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sits for and constructing, reconstructing, equipping and furnishing, or purchasing or otherwise acquiring, a building or buildings or other facilities of a revenue producing character. Such building or buildings or facilities shall be maintained and operated for (i) city offices or such other purposes as are commonly carried on in connection with such facilities and general city buildings; (ii) public, municipal, community, healthcare or recreational purposes of the city; (iii) educational, recreational or administrative purposes for school districts, community colleges, technical colleges or other public educational institutions; (iv) county courthouses, the housing and accommodation of county offices or county businesses or other such purposes as are commonly carried on in connection with such facilities and general county buildings; and (v) for housing, accommodations and parking facilities for offices of state and federal agencies.

Section 2. Exemption from K.S.A. 12-1760. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1760 and does hereby provide the following substitute and additional provisions in place thereof as follows:

A public building commission authorized under this Charter ordinance and K.S.A. 12-1757 et seq. shall have the power to do all things necessary or incidental to the purpose of constructing or acquiring or enlarging,

furnishing and operating and maintaining buildings or facilities to be made available for use by governmental agencies and non-profit corporations organized under the laws of this state.

Section 3. Exemption from K.S.A. 12-1767. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1767 and does hereby provide the following substitute and additional provisions in place thereof as follows:

- (a) Any revenue bonds proposed to be issued by a public building commission created by the city shall be issued as provided in K.S.A. 10-1201 et seq. and amendments thereto, except to the extent that such statutes are in conflict with this Charter ordinance or K.S.A. 12-1757 et seq. Before any revenue bonds are authorized or issued under the provisions of this Charter ordinance and K.S.A. 12-1757 et seq., the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof.
- (b) Such resolution shall be published once a week for two consecutive weeks in the official city newspaper or in a newspaper having general circulation in the county if the lease is with a county or school district. The resolution may provide, and shall provide, if the lease is with a county or school district, that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than five percent of the electors of the city or by not less than five percent of the electors of the county or school district if the lease is with such entity, if filed with the county election officer, the board of county commissioners shall submit the question to the voters at an election called for that purpose or at the next general election.
- (c) No construction contract shall be let or approved by a public building commission until after publication of the resolution as provided in subsection (b) of this Section.

Section 4. Severability.

If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter ordinance. In such instances, this Charter ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. Effective Date.

This Charter Ordinance shall be published once a week, for two consecutive weeks in the official city newspaper, and shall take effect 60 days after final publication, unless a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election is filed in the office of the city clerk, demanding that this Charter ordinance be submitted to a vote of the electors, in which event this Charter ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose.

PASSED, APPROVED, AND ADOPTED by a two-thirds majority of the governing body of the City of Osawatomie, Kansas on April 25, 2013.

Shall Charter Ordinance Number 16 for the City of Osawatomie, Kansas take effect?"

I have personally signed this petition. I am a registered voter of the state of Kansas and of the city of Osawatomie and my residence address is correctly written after my name.

Signed	Address	Date
1. Jordan Schrader	534 Braun Circle Dr.	6/5/13
2. John Blair Cole	404 15 th St.	6-5-13
3. Suzanne B. Wood	404 15 th St.	6-7-13
4. Joyce D. Schrader	534 Braun Circle Dr.	6/9/13
5. E. Edw. E. Clark	425 15 th St.	6/10/13
6. [Signature]	425 15 th St.	6/10/13

7. Patricia L. Butler - 1720 Parker Ave, Osawatomie, Mo 66113
8. Kathryn M. Jones - 501 Pacific Osawatomie, Mo 66113
9. ~~Harold Stepley - 430 14th St. Osawatomie, Mo 66113~~
10. ~~John G. Hartman - 430 14th St. Osawatomie, Mo 66113~~
11. ~~D. J. DeLoach - 601 Hickory Ct. - Osawatomie, Mo 66113~~
12. Norma J. Stephens - 1215 Parker Osawatomie, Mo 66113
13. Diana K. Cleaver - 425 15th St. Osawatomie, Mo 66113
14. Landon Mills - 703 Parkview E. Osawatomie, Mo 66113
15. ~~Dr. J. J. Smith - 107 ROYER OSAWATOMIE~~
16. ~~John Smith - 107 Royer Osawatomie~~
17. ~~Rayne Mitchell - 106 Royer Hts Osawatomie~~
18. ~~J. J. Smith - 127 Royer Hts Osawatomie~~
19. ~~Erica Mitchell - 1131 Brown Ave Osawatomie, Mo~~
20. David Wang - 914 MAIN ST OSAWATOMIE, MO
21. ~~John Smith - 837 main OSAWATOMIE, MO~~
22. ~~Butt Mason - 910 MAIN STREET OSAWATOMIE, MO~~
23. William E. Cuffell - 110 ROYER Hts OSAWATOMIE, MO
24. Lyndard Cole - 1548 Brown Ave Osawatomie, Mo.
25. Larry Rhodes - 1548 Brown Ave. Osawatomie, Mo

I am the circulator of this petition and a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas. I have personally witnessed the signing of this petition by each person whose name appears thereon.

Signed: Judith Rhodes

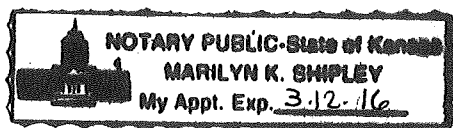
Residence address: 534 Brown Circle, Dr. Osawatomie, KS

STATE OF KANSAS)
 COUNTY OF MIAMI)

Subscribed and sworn to before me this 24 day of June, 2013.

Marilyn K. Shipley
 Notary Public
 My appointment expires: 3-12-16

(SEAL)



PETITION

Shall the following Charter Ordinance Number 16 for the City of Osawatomie, Kansas become effective?

We, the undersigned, pursuant to Kansas Statutes Annotated 25-3601 et seq. hereby request that Charter Ordinance 16 of the City of Osawatomie, Kansas approved by the Governing Body of the City of Osawatomie on April 25, 2013, exempting the City from Provisions of K.S.A. 12-1758, K.S.A. 12-1760, and K.S.A. 12-1767 relating to Public Building Commissions and Revenue Bonds and providing substitute and additional provisions relating thereto, be submitted to a vote of the electors.

We request an election to determine whether said Charter Ordinance Number 16 of the City of Osawatomie, Kansas will become effective.

The following question should be placed upon the ballot:

"WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act") provides that cities may exercise certain home rule powers, including passing Charter ordinances exempting such cities from certain acts of the Kansas Legislature and which may enact substitute or additional provisions on the same subject; and

WHEREAS, the City of Osawatomie, Kansas (the "City") is a city defined in the Act; duly created, organized and existing under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 are a part of an enactment of the Kansas Legislature (K.S.A. 12-1757 et seq.) relating to public building commissions and the issuance of revenue bonds by such commissions, which enactment is applicable to the city, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the city desires, by Charter ordinance, to exempt the city from the provisions of K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 identified in this ordinance, and provide substitute and additional provisions on the same subject in order to provide (a) additional and alternative methods for financing certain public facilities and buildings in the city, and (b) an exemption from a protest period relating to the authorization of certain revenue bonds.

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

Section 1. Exemption from K.S.A. 12-1758(a). The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1758(a) and does hereby provide the following substitute and additional provisions in place thereof:

- (a) The city, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing, or purchasing or otherwise acquiring, a building or buildings or other facilities of a revenue producing character. Such building or buildings or facilities shall be maintained and operated for (i) city offices or such other purposes as are commonly carried on in connection with such facilities and general city buildings; (ii) public, municipal, community, healthcare or recreational purposes of the city; (iii) educational, recreational or administrative purposes for school districts, community colleges, technical colleges or other public educational institutions; (iv) county courthouses, the housing and accommodation of county offices or county businesses or other such purposes as are commonly carried on in connection with such facilities and general county buildings; and (v) for housing, accommodations and parking facilities for offices of state and federal agencies.

Section 2. Exemption from K.S.A. 12-1760. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1760 and does hereby provide the following substitute and additional provisions in place thereof as follows:

A public building commission authorized under this Charter ordinance and K.S.A. 12-1757 et seq. shall have the power to do all things necessary or incidental to the purpose of constructing or acquiring or enlarging,

furnishing and operating and maintaining buildings or facilities to be made available for use by governmental agencies and non-profit corporations organized under the laws of this state.

Section 3. Exemption from K.S.A. 12-1767. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1767 and does hereby provide the following substitute and additional provisions in place thereof as follows:

- (a) Any revenue bonds proposed to be issued by a public building commission created by the city shall be issued as provided in K.S.A. 10-1201 et seq. and amendments thereto, except to the extent that such statutes are in conflict with this Charter ordinance or K.S.A. 12-1757 et seq. Before any revenue bonds are authorized or issued under the provisions of this Charter ordinance and K.S.A. 12-1757 et seq., the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof.
- (b) Such resolution shall be published once a week for two consecutive weeks in the official city newspaper or in a newspaper having general circulation in the county if the lease is with a county or school district. The resolution may provide, and shall provide, if the lease is with a county or school district, that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than five percent of the electors of the city or by not less than five percent of the electors of the county or school district if the lease is with such entity, if filed with the county election officer, the board of county commissioners shall submit the question to the voters at an election called for that purpose or at the next general election.
- (c) No construction contract shall be let or approved by a public building commission until after publication of the resolution as provided in subsection (b) of this Section.

Section 4. Severability.

If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter ordinance. In such instances, this Charter ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. Effective Date.

This Charter Ordinance shall be published once a week, for two consecutive weeks in the official city newspaper, and shall take effect 60 days after final publication, unless a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election is filed in the office of the city clerk, demanding that this Charter ordinance be submitted to a vote of the electors, in which event this Charter ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose.

PASSED, APPROVED, AND ADOPTED by a two-thirds majority of the governing body of the City of Osawatomie, Kansas on April 25, 2013.

Shall Charter Ordinance Number 16 for the City of Osawatomie, Kansas take effect?"

I have personally signed this petition. I am a registered voter of the state of Kansas and of the city of Osawatomie and my residence address is correctly written after my name.

Signed	Address	Date
1. Randy Henness	518 Brown Circle Dr	6-16-13
2. Rachel Henness	518 Brown Circle Dr	6-16-13
3. Kaye Henness	324 Parker	6-16-13
4. Emil Henness	704 17th St.	6-16-13
5. Jennifer Taylor	1128 Brown	6-17-13
6. [Signature]	1128 Brown	6-17-13

7. RYAN Russell 1620 Brown Ave 6-17-13
8. DANESSA Mitzner 733 Pacific Ave. 6-17-13
9. Brent Mitzner 733 Pacific Ave 6-17-13
10. Vicki Kasper 1109 Pacific Ave 6-17-13
11. Kathleen D. Mitzner 15116 Main St. 6-17-13
12. MADE COCHRANE 430 Walnut 6-21-13
13. Dawn Cochran 430 Walnut 6-21-13
14. Sharon Walters 204 Woodland Hills 6-26-13
15. Judy Reinecker 103 Shady Ln. 6-26-13
16. Ruby Humphreys 115 Robin Heights Drive 6-26-13
17. Charles Davis 1306 Main St 6-26-13
18. Rosemary Davis 1306 Main St 6-26-13
19. Donna Koontz 1704 Lockhart Ln 6-26-13
20. Dale E. Koontz Jr 1704 Lockhart Ln 6-26-13
21. Joseph P. Basham 312 Broward 6-27-13
22. _____
23. _____
24. _____
25. _____

I am the circulator of this petition and a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas. I have personally witnessed the signing of this petition by each person whose name appears thereon.

Signed: Mel A. May

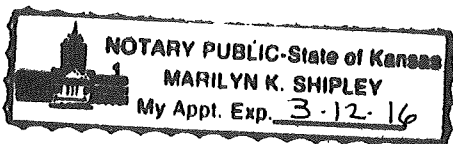
Residence address: 1545 Pacific Court Osawatomie Ks 66064

STATE OF KANSAS)
 COUNTY OF MIAMI)

Subscribed and sworn to before me this 27th day of June, 2013.

Marilyn K Shipley
 Notary Public
 My appointment expires: 3-12-16

(SEAL)



10

PETITION

Shall the following Charter Ordinance Number 16 for the City of Osawatomie,
Kansas become effective?

We, the undersigned, pursuant to Kansas Statutes Annotated 25-3601 et seq. hereby request that Charter Ordinance 16 of the City of Osawatomie, Kansas approved by the Governing Body of the City of Osawatomie on April 25, 2013, exempting the City from Provisions of K.S.A. 12-1758, K.S.A. 12-1760, and K.S.A. 12-1767 relating to Public Building Commissions and Revenue Bonds and providing substitute and additional provisions relating thereto, be submitted to a vote of the electors.

We request an election to determine whether said Charter Ordinance Number 16 of the City of Osawatomie, Kansas will become effective.

The following question should be placed upon the ballot:

"WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act") provides that cities may exercise certain home rule powers, including passing Charter ordinances exempting such cities from certain acts of the Kansas Legislature and which may enact substitute or additional provisions on the same subject; and

WHEREAS, the City of Osawatomie, Kansas (the "City") is a city defined in the Act; duly created, organized and existing under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 are a part of an enactment of the Kansas Legislature (K.S.A. 12-1757 et seq.) relating to public building commissions and the issuance of revenue bonds by such commissions, which enactment is applicable to the city, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the city desires, by Charter ordinance, to exempt the city from the provisions of K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 identified in this ordinance, and provide substitute and additional provisions on the same subject in order to provide (a) additional and alternative methods for financing certain public facilities and buildings in the city, and (b) an exemption from a protest period relating to the authorization of certain revenue bonds.

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

Section 1. Exemption from K.S.A. 12-1758(a). The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1758(a) and does hereby provide the following substitute and additional provisions in place thereof:

- (a) The city, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sits for and constructing, reconstructing, equipping and furnishing, or purchasing or otherwise acquiring, a building or buildings or other facilities of a revenue producing character. Such building or buildings or facilities shall be maintained and operated for (i) city offices or such other purposes as are commonly carried on in connection with such facilities and general city buildings; (ii) public, municipal, community, healthcare or recreational purposes of the city; (iii) educational, recreational or administrative purposes for school districts, community colleges, technical colleges or other public educational institutions; (iv) county courthouses, the housing and accommodation of county offices or county businesses or other such purposes as are commonly carried on in connection with such facilities and general county buildings; and (v) for housing, accommodations and parking facilities for offices of state and federal agencies.

Section 2. Exemption from K.S.A. 12-1760. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1760 and does hereby provide the following substitute and additional provisions in place thereof as follows:

A public building commission authorized under this Charter ordinance and K.S.A. 12-1757 et seq. shall have the power to do all things necessary or incidental to the purpose of constructing or acquiring or enlarging,

furnishing and operating and maintaining buildings or facilities to be made available for use by governmental agencies and non-profit corporations organized under the laws of this state.

Section 3. Exemption from K.S.A. 12-1767. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1767 and does hereby provide the following substitute and additional provisions in place thereof as follows:

- (a) Any revenue bonds proposed to be issued by a public building commission created by the city shall be issued as provided in K.S.A. 10-1201 et seq. and amendments thereto, except to the extent that such statutes are in conflict with this Charter ordinance or K.S.A. 12-1757 et seq. Before any revenue bonds are authorized or issued under the provisions of this Charter ordinance and K.S.A. 12-1757 et seq., the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof.
- (b) Such resolution shall be published once a week for two consecutive weeks in the official city newspaper or in a newspaper having general circulation in the county if the lease is with a county or school district. The resolution may provide, and shall provide, if the lease is with a county or school district, that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than five percent of the electors of the city or by not less than five percent of the electors of the county or school district if the lease is with such entity, if filed with the county election officer, the board of county commissioners shall submit the question to the voters at an election called for that purpose or at the next general election.
- (c) No construction contract shall be let or approved by a public building commission until after publication of the resolution as provided in subsection (b) of this Section.

Section 4. Severability.

If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter ordinance. In such instances, this Charter ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. Effective Date.

This Charter Ordinance shall be published once a week, for two consecutive weeks in the official city newspaper, and shall take effect 60 days after final publication, unless a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election is filed in the office of the city clerk, demanding that this Charter ordinance be submitted to a vote of the electors, in which event this Charter ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose.

PASSED, APPROVED, AND ADOPTED by a two-thirds majority of the governing body of the City of Osawatomie, Kansas on April 25, 2013.

Shall Charter Ordinance Number 16 for the City of Osawatomie, Kansas take effect?"

I have personally signed this petition. I am a registered voter of the state of Kansas and of the city of Osawatomie and my residence address is correctly written after my name.

Signed	Address	Date
1. <i>Carol Lynn</i>	737 Parker	6-6-13
2. <i>Julia Plasse</i>	309 E. Pacific	6-8-13
3. <i>Michelle W. [unclear]</i>	309 E. Pacific	6-9-13
4. <i>Darlene K. Snyder</i>	717 Parker	6-9-13
5. <i>Melinda McArthur</i>	309 E. Pacific	6-9-13
6. <i>Jan [unclear]</i>	207 E. Main	6-17-13

7. Calvin R Mitchell 721 Parker Oawatomie 6-12-13
8. Sherry Mitchell 721 Parker Oawatomie 6-12-13
9. Van Zandt 1603 Main Oawatomie 6-12-13
10. Myrtle Hay 316 9th St Oawatomie 6/21/13
11. Wilcox 1211 Main St Oawatomie/KS 6/22/13
12. Ernest Ernesmyer 1320 Pacific Oawatomie 6/22/13
13. Mary Jo Ernesmyer 1320 Pacific Oawatomie 6-22-13
14. Frank J Dowell 713 Parker Oawatomie 6-22-13
15. Keta A McDowell 304 Kelly Oawatomie 6-23-13
16. Gillian McKinn 135 Pacific Oawatomie 6-23-13
17. Charlie E Hay 316-9th street Oawatomie 6-23-13
18. Harry Grode 1211 Main St Oawatomie 6-24-13
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____

I am the circulator of this petition and a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas. I have personally witnessed the signing of this petition by each person whose name appears thereon.

Signed: Kenneth P. Snyder

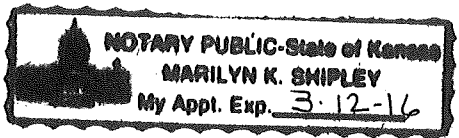
Residence address: 717 Parker Oawatomie

STATE OF KANSAS)
 COUNTY OF MIAMI)

Subscribed and sworn to before me this 24th day of June, 2013.

Marilyn K Shipley
 Notary Public
 My appointment expires: 3-12-16

(SEAL)



PETITION

Shall the following Charter Ordinance Number 16 for the City of Osawatomie, Kansas become effective?

We, the undersigned, pursuant to Kansas Statutes Annotated 25-3601 et seq. hereby request that Charter Ordinance 16 of the City of Osawatomie, Kansas approved by the Governing Body of the City of Osawatomie on April 25, 2013, exempting the City from Provisions of K.S.A. 12-1758, K.S.A. 12-1760, and K.S.A. 12-1767 relating to Public Building Commissions and Revenue Bonds and providing substitute and additional provisions relating thereto, be submitted to a vote of the electors.

We request an election to determine whether said Charter Ordinance Number 16 of the City of Osawatomie, Kansas will become effective.

The following question should be placed upon the ballot:

“WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”) provides that cities may exercise certain home rule powers, including passing Charter ordinances exempting such cities from certain acts of the Kansas Legislature and which may enact substitute or additional provisions on the same subject; and

WHEREAS, the City of Osawatomie, Kansas (the “City”) is a city defined in the Act; duly created, organized and existing under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 are a part of an enactment of the Kansas Legislature (K.S.A. 12-1757 et seq.) relating to public building commissions and the issuance of revenue bonds by such commissions, which enactment is applicable to the city, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the city desires, by Charter ordinance, to exempt the city from the provisions of K.S.A. 12-1758, K.S.A. 12-1760 and K.S.A. 12-1767 identified in this ordinance, and provide substitute and additional provisions on the same subject in order to provide (a) additional and alternative methods for financing certain public facilities and buildings in the city, and (b) an exemption from a protest period relating to the authorization of certain revenue bonds.

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

Section 1. Exemption from K.S.A. 12-1758(a). The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1758(a) and does hereby provide the following substitute and additional provisions in place thereof:

- (a) The city, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing, or purchasing or otherwise acquiring, a building or buildings or other facilities of a revenue producing character. Such building or buildings or facilities shall be maintained and operated for (i) city offices or such other purposes as are commonly carried on in connection with such facilities and general city buildings; (ii) public, municipal, community, healthcare or recreational purposes of the city; (iii) educational, recreational or administrative purposes for school districts, community colleges, technical colleges or other public educational institutions; (iv) county courthouses, the housing and accommodation of county offices or county businesses or other such purposes as are commonly carried on in connection with such facilities and general county buildings; and (v) for housing, accommodations and parking facilities for offices of state and federal agencies.

Section 2. Exemption from K.S.A. 12-1760. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1760 and does hereby provide the following substitute and additional provisions in place thereof as follows:

A public building commission authorized under this Charter ordinance and K.S.A. 12-1757 et seq. shall have the power to do all things necessary or incidental to the purpose of constructing or acquiring or enlarging,

furnishing and operating and maintaining buildings or facilities to be made available for use by governmental agencies and non-profit corporations organized under the laws of this state.

Section 3. Exemption from K.S.A. 12-1767. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to the City the provisions of K.S.A. 12-1767 and does hereby provide the following substitute and additional provisions in place thereof as follows:

- (a) Any revenue bonds proposed to be issued by a public building commission created by the city shall be issued as provided in K.S.A. 10-1201 et seq. and amendments thereto, except to the extent that such statutes are in conflict with this Charter ordinance or K.S.A. 12-1757 et seq. Before any revenue bonds are authorized or issued under the provisions of this Charter ordinance and K.S.A. 12-1757 et seq., the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof.
- (b) Such resolution shall be published once a week for two consecutive weeks in the official city newspaper or in a newspaper having general circulation in the county if the lease is with a county or school district. The resolution may provide, and shall provide, if the lease is with a county or school district, that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than five percent of the electors of the city or by not less than five percent of the electors of the county or school district if the lease is with such entity, if filed with the county election officer, the board of county commissioners shall submit the question to the voters at an election called for that purpose or at the next general election.
- (c) No construction contract shall be let or approved by a public building commission until after publication of the resolution as provided in subsection (b) of this Section.

Section 4. Severability.

If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter ordinance. In such instances, this Charter ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. Effective Date.

This Charter Ordinance shall be published once a week, for two consecutive weeks in the official city newspaper, and shall take effect 60 days after final publication, unless a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election is filed in the office of the city clerk, demanding that this Charter ordinance be submitted to a vote of the electors, in which event this Charter ordinance shall take effect when approved by a majority of the electors voting at an election held for such a purpose.

PASSED, APPROVED, AND ADOPTED by a two-thirds majority of the governing body of the City of Osawatomie, Kansas on April 25, 2013.

Shall Charter Ordinance Number 16 for the City of Osawatomie, Kansas take effect?"

I have personally signed this petition. I am a registered voter of the state of Kansas and of the city of Osawatomie and my residence address is correctly written after my name.

Signed	Address	Date
1. <i>M.P.A. Mays</i>	1545 Pacific Court, Osawatomie	5-29-13
2. <i>Patty A. Pinner</i>	1545 Pacific Court, Osawatomie	5-29-13
3. <i>Daniel D. Maimer</i>	1554 Pacific Ct. Osawatomie KS	5-29-13
4. <i>Melissa A. Maimer</i>	1554 Pacific Ct. Osawatomie, KS	5-29-13
5. <i>Larry L. Law</i>	1615 Brown OSAWATOMIE KS.	5-29-13
6. <i>Marilyn L. Lee</i>	1615 Brown Osawatomie Ks	5-29-13

7. Richard M. Faha 1549 Pacific Court Osawatomie KS 66064 6-3-13
8. Kimberly Fisher 1549 Pacific Court Osawatomie KS 66064 6/3/13
9. Ronald Fisher 1549 Pacific Court Osawatomie, KS 66064 6-3-13
10. Lola M Brown 1553 Pacific Court Osawatomie, KS 66064 6-3-13
11. Kathy C Burton 1553 Pacific Court Osawatomie, KS 66064 6-3-13
12. Justin Burke 1539 Pacific Ct Osawatomie KS 66064 6-3-13
13. Rhonda Singer 1535 Pacific Ct. Osawatomie, KS 66064 6/3/13
14. Fred L. Hayes 1531 Pacific Ct Osawatomie KS 66064 6-3-13
15. Norma Cowley 1531 Foster Ct Osawatomie, KS 66064
16. John Tom 1531 Foster Ct Osawatomie, KS 66064
17. Shirley Adams 2988 W 341 Terr Osawatomie, KS 66064
18. Stacy Adams 2988 W 341 Terr Osawatomie, KS 66064
19. Charlotte Ursey 307 E Main Osawatomie, KS 66064
20. Sharon Price 118 Parker Osawatomie, KS 66064
21. William R. Butler 1720 PARKER OSAWATOMIE, KANSAS
22. Marie J. Ware 914 Main Osawatomie, KS 66064
23. Tom Men 170 Main St Terr Osawatomie, KS 66064
24. James D Russell 1620 Brown Ave Osawatomie KS 66064
25. Salvador L. Hernandez 116 7th St " " "

I am the circulator of this petition and a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas. I have personally witnessed the signing of this petition by each person whose name appears thereon.

Signed: Marilyn K Shipley

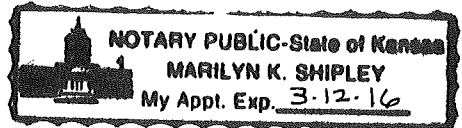
Residence address: 1545 Pacific Court Osawatomie KS 66064

STATE OF KANSAS)
 COUNTY OF MIAMI)

Subscribed and sworn to before me this 27th day of June, 2013.

Marilyn K Shipley
 Notary Public
 My appointment expires: 3-12-16

(SEAL)



Petition Summary Report

Osawatomie Charter Ordinance #16

Page	Status	Pending	Accepted	Rejected	Page Total
1	Accepted	0	3	3	6
2	Accepted	0	13	2	15
3	Accepted	0	4	2	6
4	Accepted	0	11	1	12
5	Accepted	0	6	0	6
6	Accepted	0	16	3	19
7	Accepted	0	6	0	6
8	Accepted	0	13	6	19
Petition Totals:		0	72	17	89



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

May 22, 1984

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION 84- 41

David Belling
Miami County Attorney
P.O. Box 245
Paola, Kansas 66071

Re: Elections -- Sufficiency of Petitions --
Incomplete Notations of the Date of Signing

Synopsis: Incomplete notations of the date of signature on a petition do not constitute a defect or irregularity which would invalidate the entire petition or the individual signatures, if the incomplete notations of the date do not prevent the election officer from determining whether the petition was filed within the time limit established by the statute. Even if individual signatures are invalid, they do not necessarily operate to invalidate the entire petition if sufficient valid signatures remain to meet the statutorily required minimum. Cited herein: K.S.A. 19-204; 25-3601; 1983 Supp. 25-3602.

*

*

*

Dear Mr. Belling:

As Miami County Attorney you have requested an Attorney General Opinion on the sufficiency of a petition recently filed in the office of the Miami county election officer.

The petition in question is governed by K.S.A. 19-204 and K.S.A. 25-3601 et seq. The petition asks that the number of commissioner districts in Miami County be increased from three to five

From the Kansas Constitution - Article Twelve: Corporations

5: Cities' powers of home rule.

(a) The legislature shall provide by general law, applicable to all cities, for the incorporation of cities and the methods by which city boundaries may be altered, cities may be merged or consolidated and cities may be dissolved: Provided, That existing laws on such subjects not applicable to all cities on the effective date of this amendment shall remain in effect until superseded by general law and such existing laws shall not be subject to charter ordinance.

(b) Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: Provided, That the legislature may establish not to exceed four classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to cities now in effect or hereafter enacted and as later amended and until repealed shall govern cities except as cities shall exempt themselves by charter ordinances as here in provided for in subsection (c).

(c)

(1) Any city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and enactments prescribing limits of indebtedness, shall not apply to such city.

(2) A charter ordinance is an ordinance which exempts a city from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter ordinance shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such city by the adoption of such ordinance and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such city. Every charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper or, if there is none, in a newspaper of general circulation in the city.

(3) No charter ordinance shall take effect until sixty days after its final publication. If within sixty days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. **An election, if called, shall be called within thirty days and held within ninety days after the filing of the petition. The governing body shall pass an ordinance calling the election and fixing the date, which ordinance shall be published once each week for three consecutive weeks in the official city newspaper or, if there be none, in a newspaper of general circulation in the city, and the election shall be conducted as elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter ordinance No. _____, entitled (title of ordinance) take effect?" **The governing body may submit any charter ordinance to a referendum without petition by the same publication of the charter ordinance and the same publication of the ordinance calling the election as for ordinances upon petition** and such charter ordinance shall then become effective when approved by a majority of the electors voting thereon. Each charter ordinance becoming effective shall be recorded by the clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.**

(4) Each charter ordinance enacted shall control and prevail over any prior or subsequent act of the governing body of the city and may be repealed or amended only by charter ordinance or by enactments of the legislature applicable to all cities.

(d) Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.

(e) This amendment shall be effective on and after July 1, 1961

(Published in *The Osawatomie Journal* on _____, 2013)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF OSAWATOMIE, KANSAS, CREATING THE OSAWATOMIE, KANSAS PUBLIC BUILDING COMMISSION, SPECIFYING THE MEMBERSHIP OF THE GOVERNING BODY OF THE PUBLIC BUILDING COMMISSION AND STATING THE PURPOSE, FUNCTIONS AND POWERS OF SUCH COMMISSION

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

SECTION 1. Creation of Public Building Commission. Pursuant to K.S.A. 12-1757 to 12-1768, as amended, (the “Act”), a public building commission is created by the city of Osawatomie, Kansas (the “City”) to be known as the Osawatomie, Kansas Public Building Commission, which shall be a municipal body corporate and politic.

SECTION 2. Composition of Public Building Commission. The Osawatomie, Kansas Public Building Commission shall consist of nine commissioners who shall be same persons as are then serving as Mayor and Council Members on the governing body of the City. The commissioners of the Osawatomie, Kansas Public Building Commission shall serve terms simultaneous with their terms as members of the City’s governing body. The commissioners shall serve without compensation. The commissioners shall appoint a Chairperson, Vice-Chairperson and Secretary. Initially, the Chairperson shall be the City’s Mayor, the Vice-Chairperson shall be the President of the Council and the Secretary shall be the City Clerk. The Secretary shall not be a member of the Commission.

SECTION 3. Powers. The Osawatomie, Kansas Public Building Commission is authorized to exercise the following powers and functions:

A. To exercise all powers and authority conferred on it by the Act and any subsequent charter ordinance of the City, including, but not limited to, the authority to acquire a site or sites, acquire, construct, reconstruct, equip and furnish a building or buildings or other facilities of a revenue producing character to be maintained and operated for city offices or other purposes as are commonly carried on in conjunction with city offices and general city buildings, county courthouse, county offices, administrative offices for school districts, offices for state and federal agencies all as authorized by the Act.

B. To lease or sublease all or any part of the buildings and facilities owned by the Osawatomie, Kansas Public Building Commission to the City or other agencies or entities, as authorized by the Act;

C. To acquire fee simple title to real estate, including easements and reversionary interests in streets, alleys and other public places and personal property

required for its purposes, by purchase, gift, devise or other lawful means, and to take title in the corporate name of the Osawatomie, Kansas Public Building Commission;

D. To issue revenue bonds in the manner provided by the Act, for the purpose of paying the cost or portions of the cost of acquiring real estate or buildings and constructing, reconstructing, equipping and furnishing such facilities; to fix rents, fees and charges for the use of such buildings or facilities; to pledge the revenues from the facilities to secure such revenue bonds and to make covenants with respect to the maintenance, operations, repair and insuring of such improvements;

E. To repair, maintain and operate such buildings and facilities owned by the Osawatomie, Kansas Public Commission;

F. To sue and be sued;

G. To adopt a seal; and

H. To do all things necessary or incidental to and consistent with the powers granted to it under this Ordinance and the Act.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage and approval and publication one time in the official City newspaper.

[Remainder of Page Intentionally Left Blank]

DRAFT

PASSED AND APPROVED by the governing body of the city of Osawatomie, Kansas
on _____, 2013.

CITY OF OSAWATOMIE, KANSAS

[seal]

By _____
L. Mark Govea, Mayor

ATTEST:

By _____
Ann Elmquist, City Clerk

Passed: __/__/13
Published: __/__/13
Effective: __/__/13