

OSAWATOMIE CITY COUNCIL

AGENDA

August 13, 2020

6:30 p.m., Memorial Hall

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Invocation
5. Consent Agenda
  - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.*
  - A. August 13th Agenda
  - B. Meeting Minutes – July 23rd, 2020
  - C. Pay Application – Allenbrand & Drews - \$1,550.00
  - D. Pay Application – Western Consultants - \$8,250.00 – KDHE Loan Application, Services
  - E. Pay Application – Western Consultants - \$3,325.00 – CDBG-CV Grant Writing
6. Comments from the Public
  - Citizen participation will be limited to 5 minutes. Stand & be recognized by the Mayor.*
7. Presentations, Proclamations, and Appointments
8. Unfinished Business
9. New Business
  - A. Ordinance 3784 – An Ordinance adding, deleting and amending various sections of Chapter XV, Article 5. Solid Waste of the Code of the City of Osawatome, Kansas.
  - B. Ordinance 3785 – An Ordinance amending Article 9, Section 4, Subsection H of the City of Osawatome’s Zoning Regulations, Subdivision Regulations and Floodplain Management Regulations.
  - C. Resolution 807 – Directing the City Manager to submit \$3.3 million in application on behalf of the City to the Kansas Department of Health and Environment (KDHE) and the United States Department of Agriculture (USDA) for the short- and long-term financing of repairs and upgrades to the City’s Wastewater Plant
  - D. Ordinance 3786 – An Ordinance directing the use of Coronavirus relief monies identified by the Strengthening People and Revitalizing Kansas (SPARK) taskforce and distributed through Miami County, Kansas for the purposes of reimbursing the City of Osawatome for COVID-19 costs.
10. Council Report
11. Mayor’s Report
12. City Manager & Staff Report
  - A. City Manager – 2021 Budget Presentation
13. Executive Session
14. Other Discussion/Motions
15. Adjourn

*SPECIAL CITY COUNCIL MEETING – August 24<sup>th</sup>, 2020*

*NEXT REGULAR MEETING – August 27<sup>th</sup>, 2020*

Osawatomie, Kansas. **July 23, 2020.** The Council Meeting was held at Memorial Hall. Mayor L. Mark Govea called the meeting to order at 6:30 p.m. Council members present were LaDuex, Macek, Dickinson, Walmann, Wright and Caldwell. Hampson arrived at 6:32 p.m. Council member Diehm was absent. City Staff present at the meeting were: City Manager Michael Scanlon, City Clerk Tammy Seamands, Assistant to the City Manager Samantha Moon, City Attorney Richard Wetzler, Building Inspector Ed Beaudry, and Nuisance Officer David Ellis. Members of the public present were Kari Bradley, Dale Samuels and Robert Maston.

**INVOCATION.** Dale Samuels, Faith Community Church

**CONSENT AGENDA.** Approval of the July 23<sup>rd</sup> Agenda, July 3<sup>rd</sup> Special Council Minutes, July 9<sup>th</sup> Council Minutes, Pay Application – BG Consultants - \$1,800.00 – Wastewater Treatment Plant Facility, Pay Application – BG Consultants - \$3,200.00 – Wastewater Treatment Plant Facility, Pay Application – Hall’s Bobcat - \$96.19 – Trail Project, and Register Report 2020-06. **Motion** made by Dickinson, seconded by Wright to approve the consent agenda without the Pay Application – Hall’s Bobcat - \$96.19. Yeas: All. **Motion** made by LaDuex, seconded by Dickinson to approve the Hall’s Bobcat Service - \$96.19, Yeas: All. Hampson abstained due to conflict of interest.

**COMMENTS FROM THE PUBLIC.** – None.

**PUBLIC HEARINGS.** - None

**UNFINISHED BUSINESS.** - None

**PRESENTATIONS & PROCLAMATIONS.** – None.

**NEW BUSINESS.**

RESOLUTION 804 – DIRECTING STAFF TO PREPARE AND PRODUCE A SERIES OF RENTAL PROPERTY REGULATIONS, INCLUDING RENTAL INSPECTIONS. – Scanlon presented a “under construction” draft of new rental property regulations. **Motion** made by LaDuex, seconded by Hampson to approve Resolution 804 – Directing staff to prepare and produce a series of rental property regulations, including rental inspections. Yeas: (6) Macek, Walmann, LaDuex, Dickinson, Hampson and Caldwell. Nays: (1) Wright.

RESOLUTION 805 – DIRECTING THE CITY MANAGER TO COLLECT, EXECUTE, PURCHASE AND REPORT ALL COVID-19 COSTS RELATED TO THE CITY’S CURRENT AND ONGOING RESPONSE TO THE COVID-19 PANDEMIC. **Motion** made by Caldwell, seconded by LaDuex to approve Resolution 805 – Directing the City Manager to collect, execute, purchase and report all Covid-19 costs related to the City’s current and ongoing response to the Covid-19 pandemic. Yeas: All.

RESOLUTION 806 – DIRECTING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A PRELIMINARY AGREEMENT FOR CONSIDERATION OF A SET OF SOLAR POWERED PROJECTS BENEFITING THE CITY OF OSAWATOMIE AND THE

SURROUNDING COMMUNITY. **Motion** made by LaDuex, seconded by Caldwell to approve Resolution 806 – Directing the City Manager to negotiate and enter into a preliminary agreement for consideration of a set of solar powered projects benefiting the City of Osawatomie and the surrounding community. Yeas: All.

**COUNCIL REPORTS.**

Jeff Walmann ~the new sign has been installed at the Flint Hills Trail.

Lawrence Dickinson ~ noticed that the soffit on Memorial Hall is in bad shape.

Cathy Caldwell ~ the Pride group including LaDuex and Caldwell cleaned along Main Street, by the railroad tracks and some in the park. There were about 29 – 30 people of all ages that helped. Caldwell presented the preliminary program of people helping people to the Pride Committee. Pride would like to be involved but does not want to run the program. Pride would also like to paint & remark the older concrete street signs if the City would purchase the materials and the templates. Scanlon agreed that the City will provide the materials.

**MAYOR’S REPORT** ~ Thanked the Pride Committee for all their work on Tuesday night. Thanked David Ellis and Ed Beaudry for their work on code enforcement. Govea congratulated Tammy Seamands, Terry Upshaw and Bill Roseberry for getting 60% scholarships to attend the Kansas Leadership Webinar. Govea also thanked Dee Leach for all the work she has done to coordinate the Food Truck Wednesdays.

**CITY MANAGER & STAFF REPORTS.**

Mike Scanlon ~ distributed a City Manager project list that he is working on. Osawatomie received \$167,000 in the second round of the CDBG-CV grants thanks to a lot of work that was done by Sam Moon contacting businesses and getting them engaged.

**EXECUTIVE SESSION.** None.

**OTHER DISCUSSION/MOTIONS.**

LaDuex asked that Scanlon and Beaudry look into doing something about the vacant properties in town.

**Motion** made by LaDuex, seconded by Caldwell to adjourn. Yeas: All. Mayor declared the meeting adjourned at 8:06 p.m.

*/s/ Tammy Seamands*  
\_\_\_\_\_  
Tammy Seamands, City Clerk

**ALLENBRAND-DREWS & ASSOC, INC**

122 N Water St  
Olathe, KS 66061  
913-764-1076



# INVOICE

**BILL TO**

City of Osawatomie  
439 Main Street  
Osawatomie, KS 66064 USA

**INVOICE #**

**DATE** 07/29/2020  
**DUE DATE** 08/13/2020

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**INVOICE #**

33717

**SALES REP**

Dick

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DESCRIPTION	AMOUNT
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Part SE 1/4, Section 9, Township 18, Range 22, Miami County KS

\*Stake lot and prepare BLA

1,500.00

\*Survey Review Fee

50.00

Ordered by Tammy Seamands

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Thank you for your business !

**BALANCE DUE**

**\$1,550.00**

# Western Consultants

PO Box 187  
Lawrence, KS 66044  
Phone 816.805.9183

Date: 7/31/20

Bill To: City of Osawatomie  
439 Main St  
Osawatomie, KS 66064

For: KDHE Loan Application & Environmental Review

DESCRIPTION	AMOUNT
KDHE Loan application, Environmental Review, and assisting the city in conducting all public hearings	\$8,250.00
<b>TOTAL</b>	<b>\$8,250.00</b>

*\*Please make check payable to Western Consultants*

# Western Consultants

PO Box 187  
Lawrence, KS 66044  
Phone 816.805.9183

Date: 7/31/20

**Bill To: City of Osawatomie**  
439 Main St  
Osawatomie, KS 66064

**For: CDBG-CV Grant Writing Invoice**

DESCRIPTION	AMOUNT
Preparation and submission of CDBG-CV Application	\$3,325.00
<b>TOTAL</b>	<b>\$3,325.00</b>

*\*Please make check payable to Western Consultants*



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	
	Date:	August 7, 2020
City Manager	From:	Mike Scanlon

**RE:** Ordinance 3784 – An Ordinance adding, deleting and amending various sections of Chapter XV, Article 5. Solid Waste, of the Code of the City of Osawatomie, Kansas.

**RECOMMENDATION:** That the City Council approve Ordinance 3784 – An Ordinance adding, deleting and amending various sections of Chapter XV, Article 5. Solid Waste, of the Code of the City of Osawatomie, Kansas.

**DETAILS:** This Ordinance is aimed at two things.

1. Expanding on and clarifying various parts of the current rules and regulations we have with our Solid Waste and Recycling program.
2. Establishes that all residential properties will be required to have the service and that the fee for the service will be paid through the annual property tax bill (ad valorem tax payment).

The overarching goal here is to make sure that **every single residential property** has trash/recycling service and that we have a method of payment that guarantees the service. This is especially important given the large number of rental properties that we have.

Related Statute / City Ordinances	Chapter XV, Article 5. Solid Waste. Resolutions 785 and 794
Line Item Code/Description	N/A
Available Budget:	N/A

**ORDINANCE NUMBER 3784**

**AN ORDINANCE ADDING, DELETING, AND AMENDING VARIOUS SECTIONS OF CHAPTER XV, ARTICLE 5. SOLID WASTE, OF THE CODE OF THE CITY OF OSAWATOMIE, KANSAS**

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

**Section 1.** That Section 15.501 is hereby amended as follow.

SECTION 15.501 Definitions.

**DELETIONS:**

**Deleted subsection (b) Dwelling Unit.**

**Deleted subsection (c) Garbage.**

**Deleted subsection (d) Multi-Family Unit.**

**Deleted subsection (e) Refuse.**

**Deleted subsection (f) Residential.**

**Deleted subsection (g) Rubbish or Trash.**

**Deleted subsection (h) Single Dwelling Unit.**

**Deleted subsection (i) Solid Waste.**

**ADDITIONS:**

**Added subsection (b) Construction and Demolition Waste.** – Solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities; untreated wood and untreated sawdust from any source; solid waste consisting of motor vehicle window glass; and solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm-related cleanup. Such wastes include, but are not limited to, bricks, concrete and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging. “Construction and demolition waste” shall not include waste material containing friable asbestos, garbage, furniture, appliances, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities. Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.



**Added subsection (c) Contractor or Collector.** – A contractor licensed/or contracted with the City under this Article to collect and transport waste, recyclable materials and/or yard waste.

**Added subsection (d) Director.** – The City Manager or his/her designee.

**Added subsection (e) Recyclable Materials.** – Any materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. “Recyclables” includes, but is not limited to, paper, glass, plastic, municipal water treatment residues, as defined by K.S.A. 65-163 and metal, but excludes materials rejected by licensed recycling contractors and yard waste.

**Added subsection (f) Residence and Residential.** – All single-family dwellings, duplexes, triplexes, townhomes and condominiums and all other types of dwelling units in the City except apartment buildings which shall be consider for purpose of this Article commercial buildings.

**Added subsection (g) Solid Waste.** – Unwanted or discarded waste materials in a solid or liquid state including but not limited to refuse, garbage, trash, rubbish and discarded appliances, furniture, tires, and equipment.

**Added subsection (h) Yard Waste.** – Consists of grass clippings, leaves, shrubs and tree trimmings.

**Section 2.** That Section 15.502. Collection. is hereby replaced with the following,

15.502. Solid Waste Management Utility; Residential Solid Waste and Recyclable Collection.

a. The City shall provide for the collection and disposal of all residential solid waste as a municipal function, and shall extend such service to all residential properties within the City, establish the conditions thereof, and fix the charges under which service will be rendered. The City shall contract with one (1) or more private companies to perform such collection and disposal. All companies providing the service of collecting residential solid waste shall also provide a same-day curbside recycling service or other recycling program approved by the City and shall met all requirements and regulation set forth by the Governing Body.

b. Every resident of a residential property in the City shall be required to allow a collector contracted by the City on to his, her or its property for the purpose of collecting residential solid waste and recyclable materials.

**Section 3.** That Section 15.504. Duty of owner, occupant. is amended as follow,

**Deleted Sub-Section 15.504 (a). and Sub-Section 15.504 (b) retitled to 15.504(a)**

**Section 4.** That Section 15.505. Containers. is hereby replaced with the following,

15.505. Solid waste containers. –

a. The owner or occupant of every residence and of every institutional, commercial or industrial establishment or apartment building where solid waste is accumulated must provide sufficient and adequate containers for the deposit and collection of solid waste.

b. Residential solid waste containers shall have a tight-fitting lid or otherwise be tightly secured and/or enclosed to prevent solid waste from escaping or from allowing water to collect inside the

container. The container shall be maintained so as to retain odors and prohibit insects or animals from entering the solid waste containers. Containers shall be ninety-five (95) or less gallons of capacity, lightweight to be easily emptied and shall not weigh over fifty (50) pounds when full.

**Section 5.** That Section 15.506. Reserved. is hereby replaced with the following,

15.506. Maintenance of solid waste containers. – The owner or occupant of every structure from which solid waste collection is made shall place all solid waste in solid waste containers, except as otherwise provided, and shall maintain a such solid waste container and the area surrounding them in a clean, neat and sanitary condition at all times. The contents thereof shall be kept in such condition that they can be readily and fully removed by licensed contractor.

**Section 6.** That Section 15.509. Reserved. is hereby replaced with the following,

15.509. Residential recyclable containers. – Containers for recyclable materials in residential areas shall be open rectangular bins furnished by the contractor(s) with a minimum of eighteen (18) gallons in capacity. The Director may provide other specific requirements for the containers.

**Section 7.** That Section 15.510. Bulky item pickup program. be amended as follows,

NEW TITLE -- 15-510. Bulky Item Pickup Program Rules and Procedures.

**Deleted Sub-Section 15.510 (a). and Sub-Section 15.510 (b) retitled to 15.510(a)**

**Section 8.** That Section 15.516. Rules and Regulations. be amended as follows,

That the phrase “city manager or his or her duly authorized agent” be replaced with “director.

**Section 9.** That Section 15.517 Fees. Is hereby replaced with the following,

15.517. Recyclable Collection. – The owner or occupant of any residence where recyclable materials shall be generated by separate recyclable materials from all other solid waste and place such recyclable materials at the location designated by the contractor in a recyclable materials container for collection on collection day and shall maintain such recyclable containers and the area surrounding them in a neat, clean and sanitary condition at all times.

**Section 10.** That Section 15. 518. Billing. Is hereby replaced with the following,

15.518. Collection frequency. –

a. Residential and apartment building collection of solid waste and recyclable materials shall be not less than one (1) collection each calendar week.

b. Institutional, commercial and industrial solid waste collection shall be as required to protect the health, welfare and safety of the City and maintain the premises in a sanitary and unlettered condition so as to avoid the creation of a nuisance.

**Section 11.** That Section 15.519. Penalty. Is hereby replaced with the following,

15.519. Collection hours. – All contractors shall engage in collection and transportation of solid waste and recyclable materials between the hours of 7:00 A.M. and 7:00 P.M.

**Section 12.** That Section 15.520. Telephone required. be added,

15.520. Telephone required. – All contractors shall maintain an office with adequate telephone service to provide for service requests and complaints. The Director shall be furnished immediately any change in telephone or address if such office changes.

**Section 13.** That Section 15.521. Disposal of recyclable materials. be added,

15.521. Disposal of recyclable materials. – All recyclable materials shall be disposed of at a recycling processing or disposal facility approved by and in compliance with all local, State and Federal regulations.

**Section 14.** That Section 15.522. Collection and payment of charges. be added,

15.522. Collection and payment of charges. –

a. Annual charges for solid waste and recycling collection for residential property shall be collected with ad valorem real estate taxes annually.

b. The City will make available residential bulky waste pick up at least monthly.

c. Charges by contractors for solid waste collection for institutional, commercial and industrial establishments and apartment building shall be the responsibility of the owner or occupant of the establishment or apartment building.

**Section 15.** That Section 15.523. Schedule of fees and charges. be added,

Section 15.523. Schedule of fees and charges. – The charges to be assessed and paid by the property owner for the collection, transportation and disposal of solid waste and recyclable materials shall be as fixed from time to time in the city's schedule of fees, available in the office of the City Clerk.

### Ordinance No. 3784 Summary

On August 13, 2020, the City Council passed Ordinance No. 3784. The Ordinance requires that every residential property have solid waste and recyclable collection service; and specifies the containers to be used; outlines the type of trash and recycling that will be collected; and the method for fee collection which will be through an annual fee included on the residential property's ad valorem real estate property tax bill. A complete copy of the Ordinance can be found at [www.osawatomieks.org](http://www.osawatomieks.org) or in the office of the City Clerk, 509 5<sup>th</sup> Street, This summary is certified by the City Attorney.

Introduced: August 13, 2020

Passed: August 13, 2020

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L. Mark Govea, Mayor

[SEAL]

ATTEST:

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Tammy Seamands, City Clerk

The publication summary set forth above is certified this 13th day of August, 2020.

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Richard Wetzler, City Attorney



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	
	Date:	July 23, 2020
City Manager/Chief Building Official	From:	Mike Scanlon/Ed Beaudry

**RE:** Ordinance 3784 – An Ordinance amending Article 9, Section 4, Subsection H of the City of Osawatomie’s Zoning Regulations, Subdivision Regulations and Floodplain Management Regulations.

**RECOMMENDATION:** That the City Council Ordinance 3784 – An Ordinance amending Article 9, Section 4, Subsection H of the City of Osawatomie’s Zoning Regulations, Subdivision Regulations and Floodplain Management Regulations.

**DETAILS:** to lessen the time in which a property reverts back from a nonconforming use in a zoned district primarily to reign in non-conforming uses that have been allowed in single-family residentially zoned areas that add to our difficulties in enforcing our property maintenance codes.

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

**ORDINANCE NUMBER 3785**

**AN ORDINANCE AMENDING ARTICLE 9, SECTION 4, SUBSECTION H OF THE CITY OF OSAWATOMIE'S ZONING REGULATIONS, SUBDIVISION REGULATIONS & FLOODPLAIN MANAGEMENT REGULATIONS.**

**WHEREAS**, securing the health, safety, and economic well-being of residents of the City of Osawatomie is of the highest priority of the City Council; and

**WHEREAS**, abandonment of nonconforming uses creates blight on the community; and

**WHEREAS**, it is an established goal of the Osawatomie City Council that we maintain and improve the condition of our residential neighborhoods; **SO NOW, THEREFORE**

**BE IT ORDAINED** by the Governing Body of Osawatomie, Kansas:

**Section 1.** The following amendment is made to Article 9, Section 4, Subsection H of the City of Osawatomie's Zoning Regulations, Subdivision Regulations and Floodplain Management Regulations,

H. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of ~~12~~ **six (6)** consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

**Section 2. Effective.** This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

**Ordinance No. 3785 Summary**

On July 23, 2020, the City Council passed Ordinance No. 3785. The Ordinance amends Article 9, Section 4, Subsection H, of the City's "Zoning Regulations, Subdivision Regulations and Floodplain Management Regulations," reducing the nonconforming abandonment or discontinuance period from twelve (12) to six (6) months. A complete copy of the Ordinance can be found at [www.osawatomieks.org](http://www.osawatomieks.org) or in the office of the City Clerk, 509 5<sup>th</sup> Street, this summary is certified by the City Attorney.

Introduced: August 13, 2020

Passed: August 13, 2020

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L. Mark Govea, Mayor

[SEAL]

ATTEST:

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Tammy Seamands, City Clerk

The publication summary set forth above is certified this 13th day of August, 2020.

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Richard Wetzler, City Attorney



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	
	Date:	August 7, 2020
City Manager	From:	Mike Scanlon

**RE:** Resolution 807 – A Resolution directing staff to submit the appropriate applications to the Kansas Department of Health and Environment (KDHE) and the United States Department of Agriculture (USDA) for the short- and long-term funding of approximately \$3.3 million in Wastewater Treatment Plant Improvements as outlined in the preliminary engineering report of BG Consultants Inc.

**RECOMMENDATION:** That the City Council approve Resolution 807 – A Resolution directing staff to submit the appropriate applications to the Kansas Department of Health and Environment (KDHE) and the United States Department of Agriculture (USDA) for the short- and long-term funding of approximately \$3.3 million in Wastewater Treatment Plant Improvements.

**DETAILS:** This Resolution continues our path toward making the improvements necessary to get our Wastewater Treatment Plant back into compliance with our NPDES Permit which is what allows us to discharge effluent into the Marais des Cygnes River.

Related Statute / City Ordinances	Directed through Resolutions 778, 780, 781, 798
Line Item Code/Description	N/A
Available Budget:	N/A



**CITY OF OSAWATOMIE, KANSAS**

**RESOLUTION No. 807**

**A RESOLUTION DIRECTING STAFF TO SUBMIT THE APPROPRIATE APPLICATIONS TO THE KANSAS DEPARTMENT OF THE HEALTH AND ENVIRONMENT (KDHE) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOR THE SHORT- AND LONG-TERM FUNDING OF APPROXIMATELY \$3.3 MILLION IN WASTEWATER TREATMENT PLANT IMPROVEMENTS AS OUTLINED IN THE PRELIMINARY ENGINEERING REPORT OF BG COUNSULTANT INC.**

**WHEREAS**, the City of Osawatomie was incorporated in 1890 and over the course of the last 130 years has evolved into a full-service City serving its residents with water, wastewater, electrical production and distribution, parks, sidewalks, bridges, streets and alleys; and

**WHEREAS**, the City of Osawatomie as an aging community requires a long-term strategy that allows for the orderly financing and replacement of infrastructure; and

**WHEREAS**, the City of Osawatomie WWTF has fallen out of compliance with our NPDES permit and is discharging poorly treated or untreated wastewater directly into the Marais des Cygnes River;

**NOW, THEREFORE**, be it resolved by the Governing Body of the City of Osawatomie:

**Section 1.** The Governing Body hereby directs the City Manager to undertake the necessary steps to complete the applications for the short- and long-term financing of improvements at the Wastewater Treatment Plant. Those applications to be submitted in the amount of \$3.3 million for the improvements outlined in the preliminary engineering report of BG Consultants Inc.

**PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE** on this 13th day of August, 2020.

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L. Mark Govea, Mayor

ATTEST:

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Tammy Seamands, City Clerk



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	9.D
	Date:	August 11, 2020
City Manager	From:	Mike Scanlon

**RE:** Ordinance 3786 – An Ordinance directs the use of Coronavirus relief monies identified by the Strengthening people and revitalizing Kansas (SPARK) taskforce and distributed through Miami County, Kansas for the purposes of reimbursing the City of Osawatomie for COVID-19 Costs.

**RECOMMENDATION:** That the City Council Ordinance 3786 – An Ordinance directs the use of Coronavirus relief monies identified by the Strengthening people and revitalizing Kansas (SPARK) taskforce and distributed through Miami County, Kansas for the purposes of reimbursing the City of Osawatomie for COVID-19 Costs.

**DETAILS:** This ordinance is required by Miami County in order to receive reimbursement of SPARK monies that Miami County has received for distribution.

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

**ORDINANCE NO. 3786**

**AN ORDINANCE DIRECTING THE USE OF CORONAVIRUS RELIEF MONIES IDENTIFIED BY THE STRENGTHENING PEOPLE AND REVITALIZING KANSAS (SPARK) TASKFORCE AND DISTRIBUTED THROUGH MIAMI COUNTY, KANSAS FOR THE PURPOSES OF REIMBURSING THE CITY OF OSAWATOMIE FOR COVID-19 COSTS.**

**WHEREAS**, securing the health, safety, and economic well-being of our residents is CITY OF OSAWATOMIE’S top priority;

**WHEREAS**, CITY OF OSAWATOMIE is facing both a public health and economic crisis – the pandemic and public health emergency of COVID-19 – which has resulted in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, as of this date, in MIAMI COUNTY there have been 122 cases reported positive cases of COVID-19, and 0 deaths, with a likely second wave of COVID-19 cases expected in the Fall;

**WHEREAS**, CITY OF OSAWATOMIE must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization;

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of CITY OF OSAWATOMIE, CITY OF OSAWATOMIE has determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to provide immediate financial relief and long-term economic investment to communities within CITY OF OSAWATOMIE;

**WHEREAS**, in these challenging times, CITY OF OSAWATOMIE will do whatever it can to avoid immediate dangers to the health, safety, and welfare of our constituents and prepare for future waves of COVID-19;

**WHEREAS**, on June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce’s proposal to distribute \$6,894,296 to MIAMI COUNTY help address the health and economic challenges inflicted by COVID-19 based on MIAMI COUNTY’S population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce.

**WHEREAS**, to ensure that all educational and municipal entities with counties receive Coronavirus Relief Funds to meet their respective health and economic challenges, the SPARK Taskforce Executive Committee passed a motion on June 2, 2010, to direct counties to allocate and share Coronavirus Relief Funds with public educational and municipal entities with their counties.

WHEREAS, MIAMI COUNTY adopted a Resolution to accept and distribute funds to cities within MIAMI COUNTY, KANSAS.

**Be it resolved that**, pursuant to the authority vested in the OSAWATOMIE CITY COUNCIL, including the authority granted to this body by constitutional home rule in order to begin the process of safely, strategically, and proactively the resources the city needs to both mitigate the spread of COVID-19 and invest in long-term economic recovery, the OSAWATOMIE CITY COUNCIL accepts any funds appropriated to CITY OF OSAWATOMIE by the State of Kansas through the State’s Coronavirus Relief Fund and distributed by MIAMI COUNTY pursuant to the following terms designed to ensure the lawful use of funds and transparency, equity, and accountability:

**SECTION 1:**

1. Section 5001 of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, as codified in 42 U.S.C. § 801, provides the eligible purposes for which Coronavirus Relief Fund (“CRF”) payments may be used. Under 42 U.S.C. § 801(d) funds may be used for:
  - a. necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);
  - b. not accounted for in the budget most recently approved for the city as of March 27, 2020; and
  - c. incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
2. The following are examples of public health expenditures allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
  - COVID-19 related expenses of public hospitals or clinics
  - COVID-19 testing and quarantine costs

- Payroll of employees substantially dedicated to COVID-19 mitigation or response
  - Expenses for establishing and operating public telemedicine capabilities
  - Technological improvements to facilitate distance learning
  - Improving telework capabilities
  - Grants to small businesses to reimburse the costs of business interruption caused by required closures
  - Government payroll support program
  - Unemployment insurance costs related to COVID-19
3. The following are examples of public health expenditures NOT allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
- Damages covered by insurance
  - Payroll or benefits for employees not substantially dedicated to mitigating or responding to COVID-19
  - Expenses that will be reimbursed under any federal program
  - Reimbursement to donors for donating items or services
  - Workforce bonuses other than hazard pay or overtime
  - Severance pay
  - Legal settlements
4. Additionally, as outlined in guidance issued by the Congressional Research Service on April 14, 2020, “Coronavirus Relief Fund payments may not be used to directly account for revenue shortfalls related to the COVID-19 outbreak. Such funds, however, may indirectly assist with revenue shortfalls in cases where expenses paid for by the Coronavirus Relief Fund would otherwise widen the gap between government outlays and receipts.”
5. To ensure the effective and timely oversight of local and state spending, CITY OF OSAWATOMIE will comply with reporting requirements established by MIAMI COUNTY.
6. To ensure transparency and accountability in the deliberation, expenditure, and oversight processes associated with CRF funds, CITY OF OSAWATOMIE, will comply with all requirements of the Kansas Open Meetings Act.

7. The COVID-19 pandemic has disproportionately impacted racial minorities within the State of Kansas, illustrating long-standing health disparities for African-American, Latino, and other racial minority populations in the United States. Accordingly, CITY OF OSAWATOMIE will consider and incorporate efforts to address such disproportionate impacts on racial minorities in its direct aid plan.
8. As provided in 42 U.S.C. § 801(f), the Inspector General of the Department of the Treasury determines whether CRF payments have been used for eligible purposes. Fund payments that are deemed to have been used for ineligible purposes are treated as a debt owed by the implementing government to Treasury. This resolution signifies that, upon approval, CITY OF OSAWATOMIE agrees to cooperate with any audits or inquiries by the Department of the Treasury concerning CRF funds and agrees to pay any debt incurred to the Department of the Treasury due to ineligible expenditures of appropriated CRF funds.
9. CITY OF OSAWATOMIE understands that the United States Department of the Treasury or the Governor’s Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF funds.
10. CITY OF OSAWATOMIE understands and agrees that any unspent funds must be returned to the State for recoupment. CITY OF OSAWATOMIE understands that MIAMI COUNTY must return all unspent funds no later than December 30, 2020, and will make any unspent funds available for return prior to December 30, 22020. All reconciliation documents submitted to SPARK Taskforce will be made publicly available by the Governor’s Office of Recovery, including supporting documentation submitted by CITY OF OSAWATOMIE to MIAMI County.

**SECTION 2: Effective.** This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

#### **Ordinance No. 3786 Summary**

On August 13, 2020, the City Council passed Ordinance No. 3786. The Ordinance directs the use of Coronavirus relief monies identified by the Strengthening people and revitalizing Kansas (SPARK) taskforce and distributed through Miami County, Kansas for the purposes of reimbursing the City of Osawatomie for COVID-19 Costs. A complete copy of the Ordinance can be found at [www.osawatomieks.org](http://www.osawatomieks.org) or in the office of the City Clerk, 509 5<sup>th</sup> Street, this summary is certified by the City Attorney.

Introduced: August 13, 2020

Passed: August 13, 2020

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L. Mark Govea, Mayor

[SEAL]

ATTEST:

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Tammy Seamands, City Clerk

The publication summary set forth above is certified this 13th day of August, 2020.

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Richard Wetzler, City Attorney

This document shall be filed with the OSAWATOMIE City Clerk. It shall become effective as of August 13, 2020.

ADOPTED AND APPROVED by vote of the governing body of the City of OSAWATOMIE, Kansas on August \_\_\_\_\_, 2020.

CITY OF OSAWATOMIE, KANSAS

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, Mayor

ATTEST:

---

, City Clerk





CITY OF OSAWATOMIE  
 YTD TREASURERS REPORT  
 AS OF: JUNE 30TH, 2020

FUND	BEGINNING CASH BALANCE	Y-T-D REVENUES W/ACCRUAL	Y-T-D EXPENSES W/ACCRUAL	ACCRUAL ENDING CASH BALANCE	NET CHANGE OTHER ASSETS	NET CHANGE LIABILITIES	ENDING CASH BALANCE
01 -GENERAL OPERATING	372,201.09	1,690,262.22	1,320,454.67	742,008.64	0.00	( 107,800.16)	634,208.48
02 -WATER	264,404.21	494,149.25	484,841.72	273,711.74	0.00	( 32,560.82)	241,150.92
03 -ELECTRIC	542,929.30	1,737,950.90	1,565,958.05	714,922.15	0.00	( 143,341.36)	571,580.79
04 -SEWER	141,028.42	471,937.31	389,855.36	223,110.37	0.00	( 10,203.23)	212,907.14
05 -REFUSE	1,000.30	518.56	0.00	1,518.86	0.00	0.00	1,518.86
06 -LIBRARY	103,858.16	14,515.01	4,388.87	113,984.30	0.00	( 433.56)	113,550.74
07 -RECREATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08 -RURAL FIRE	( 5,299.73)	0.00	( 361.65)	( 4,938.08)	0.00	0.00	( 4,938.08)
09 -INDUSTRIAL PROMOTION	62,247.43	47,294.99	7,208.93	102,333.49	0.00	( 66,550.00)	35,783.49
10 -REVOLVING LOAN	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11 -SPECIAL PARK & RECREATION	41,502.19	13,355.78	0.00	54,857.97	0.00	0.00	54,857.97
12 -STREET IMPROVEMENTS	204,953.25	60,657.23	175,708.79	89,901.69	0.00	( 3,812.54)	86,089.15
13 -TOURISM	58,995.41	27,185.38	5,259.52	80,921.27	0.00	( 2,471.32)	78,449.95
14 -PUBLIC SAFETY EQUIPMENT	57,251.96	56,244.75	62,493.99	51,002.72	0.00	( 770.48)	50,232.24
15 -SPECIAL 911 REVENUE	9,897.41	0.00	0.00	9,897.41	0.00	0.00	9,897.41
17 -RECREATION EMPLOYEE BENEF	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18 -GOLF COURSE	6,689.51	149,625.04	110,497.42	45,817.13	0.00	( 4,736.71)	41,080.42
21 -CIP - GENERAL	155,303.47	68,500.00	46,278.69	177,524.78	0.00	( 4,199.08)	173,325.70
22 -CIP -WATER	75,000.00	40,000.00	2,372.81	112,627.19	0.00	0.00	112,627.19
23 -CIP - ELECTRIC	102,222.68	100,016.43	45,570.00	156,669.11	0.00	( 77,759.12)	78,909.99
24 -CIP - SEWER	150,392.00	37,500.00	26,023.00	161,869.00	0.00	( 9,097.39)	152,771.61
25 -CIP - STREET PROJECT	82,400.50	155,000.00	0.00	237,400.50	0.00	0.00	237,400.50
27 -CIP - GRANTS	3,556.79	0.00	0.00	3,556.79	0.00	0.00	3,556.79
29 -CIP - SPECIAL PROJECTS	31,096.32	120,050.00	84,980.37	66,165.95	0.00	( 16,663.05)	49,502.90
31 -EMPLOYEE BENEFITS	252,300.07	581,987.85	360,702.38	473,585.54	0.00	( 729.00)	472,856.54
32 -CAFETERIA 125	89,113.40	10,153.80	6,317.31	92,949.89	0.00	0.00	92,949.89
35 -TECHNOLOGY FUND - CIP	35,624.10	47,589.77	62,104.91	21,108.96	0.00	0.00	21,108.96
41 -BOND & INTEREST	180,405.32	563,426.49	150,793.00	593,038.81	0.00	0.00	593,038.81
43 -ELECTRIC DEBT SERVICE	149,988.47	144,700.00	92,050.00	202,638.47	0.00	0.00	202,638.47
51 -COURT ADSAP	7,401.00	0.00	0.00	7,401.00	0.00	0.00	7,401.00
52 -COURT BONDS	18,877.04	7,297.00	7,190.50	18,983.54	0.00	0.00	18,983.54
53 -FORFEITURES	13,596.85	2,230.00	0.00	15,826.85	0.00	0.00	15,826.85
54 -EVIDENCE LIABILITY	12,899.79	0.00	0.00	12,899.79	0.00	0.00	12,899.79
57 -FIRE INSURANCE PROCEEDS	0.84	0.00	0.00	0.84	0.00	0.00	0.84
93 -CREDIT CARD CLEARING FUND	0.01	9,470.49	0.00	9,470.50	0.00	0.00	9,470.50
95 -CLEARING ACCOUNT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GRAND TOTAL	3,221,837.56	6,651,618.25	5,010,688.64	4,862,767.17	0.00	( 481,127.82)	4,381,639.35

\*\*\* END OF REPORT \*\*\*

**City of Osawatomie  
Year to Date Fund Report  
As of June 30, 2020**

	<b>General (1)</b>	<b>Water</b>	<b>Electric</b>	<b>Sewer</b>	<b>Refuse</b>	<b>Library</b>	<b>Rural Fire</b>
Beginning Cash Balances	372,201.09	264,404.21	542,929.30	141,028.42	1,000.30	103,858.16	(5,299.73)
YTD Revenue	1,690,262.22	494,149.25	1,737,950.90	471,937.31	518.56	14,515.01	-
YTD Expense	1,320,454.67	484,841.72	1,565,958.05	389,855.36	-	4,388.87	(361.65)
Total Increase/ (Decrease)	369,807.55	9,307.53	171,992.85	82,081.95	518.56	10,126.14	361.65
Ending Cash Balance	742,008.64	273,711.74	714,922.15	223,110.37	1,518.86	113,984.30	(4,938.08)
Budgeted Expenses	2,775,171.00	1,131,959.00	4,042,279.00	896,898.00	430,000.00	110,500.00	77,067.00
Percent of Budget	47.58%	42.83%	38.74%	43.47%	0.00%	3.97%	-0.47%
	<b>Industrial (1)</b>	<b>SP&amp;R</b>	<b>Street Imp</b>	<b>Tourism</b>	<b>Pub Safety (1)</b>	<b>Special 911</b>	<b>Golf</b>
Beginning Cash Balances	62,247.43	41,502.19	204,953.25	58,995.41	57,251.96	9,897.41	6,689.51
YTD Revenue	47,294.99	13,355.78	60,657.23	27,185.38	56,244.75	-	149,625.04
YTD Expense	7,208.93	-	175,708.79	5,259.52	62,493.99	-	110,497.42
Total Increase/ (Decrease)	40,086.06	13,355.78	(115,051.56)	21,925.86	(6,249.24)	-	39,127.62
Ending Cash Balance	102,333.49	54,857.97	89,901.69	80,921.27	51,002.72	9,897.41	45,817.13
Budgeted Expenses	58,050.00	54,345.75	268,820.00	78,744.00	148,765.00	-	316,261.01
Percent of Budget	12.42%	0.00%	65.36%	6.68%	42.01%	0.00%	34.94%

**City of Osawatomie  
Year to Date Balance Sheet  
As of June 30, 2020**

	<b>CIP-Gen</b>	<b>CIP- Water</b>	<b>CIP-Electric</b>	<b>CIP-Sewer</b>	<b>CIP-Street</b>	<b>CIP-Grants</b>	<b>CIP-Special</b>
Beginning Cash Balances	155,303.47	75,000.00	102,222.68	150,392.00	82,400.50	3,556.79	31,096.32
YTD Revenue	68,500.00	40,000.00	100,016.43	37,500.00	155,000.00	-	120,050.00
YTD Expense	46,278.69	2,372.81	45,570.00	26,023.00	-	-	84,980.37
Total Increase/ (Decrease)	22,221.31	37,627.19	54,446.43	11,477.00	155,000.00	-	35,069.63
Ending Cash Balance	177,524.78	112,627.19	156,669.11	161,869.00	237,400.50	3,556.79	66,165.95
Budgeted Expenses	140,000.00	70,000.00	85,000.00	2,270,000.00	95,000.00	-	10,000.00
Percent of Budget	33.06%	3.39%	53.61%	1.15%	0.00%	0.00%	849.80%
	<b>EE Benefits (1)</b>	<b>Cafeteria 125</b>	<b>CIP-Tech</b>	<b>Bond &amp; Int (1)</b>	<b>Elec Debt</b>	<b>Court Adasp</b>	<b>Court Bonds</b>
Beginning Cash Balances	252,300.07	89,113.40	35,624.10	180,405.32	149,988.47	7,401.00	18,877.04
YTD Revenue	581,987.85	10,153.80	47,589.77	563,426.49	144,700.00	-	7,297.00
YTD Expense	360,702.38	6,317.31	62,104.91	150,793.00	92,050.00	-	7,190.50
Total Increase/ (Decrease)	221,285.47	3,836.49	(14,515.14)	412,633.49	52,650.00	-	106.50
Ending Cash Balance	473,585.54	92,949.89	21,108.96	593,038.81	202,638.47	7,401.00	18,983.54
Budgeted Expenses	891,920.00	40,000.00	72,038.00	890,451.00	444,100.00	-	26,000.00
Percent of Budget	40.44%	15.79%	86.21%	16.93%	20.73%	0.00%	27.66%

**City of Osawatomie  
Year to Date Balance Sheet  
As of June 30, 2020**

	<b>Forfeitures</b>	<b>Evidence Liab</b>	<b>Fire Proceeds</b>	<b>CC Clearing</b>	<b>Total</b>
Beginning Cash Balances	13,596.85	12,899.79	0.84	0.01	3,221,837.56
YTD Revenue	2,230.00	-	-	9,470.49	6,651,618.25
YTD Expense	-	-	-	-	5,010,688.64
Total Increase/ (Decrease)	2,230.00	-	-	9,470.49	1,640,929.61
Ending Cash Balance	15,826.85	12,899.79	0.84	9,470.50	4,862,767.17
Budgeted Expenses	-	-	-	-	15,423,368.76
Percent of Budget	0.00%	0.00%	0.00%	0.00%	32.49%

(1) Property tax received from Miami County in January, March and June.



# Osawatomi Unified School District #367

1200 Trojan Drive • Osawatomi, Kansas 66064-1696

Office: 913-755-4172

Fax: 913-755-2031

Justin Burchett,  
Superintendent

Susan Gorman,  
Director of Curriculum

*School Board Members*

D.J. Needham,  
President

Gordon Schrader,  
Vice President

Marsha Adams

Joshua Barnett

Jeff Dorsett

Krystal Powell

Ben Wendt

July 22, 2020

Mayor Mark Govea & Osawatomi City Council Members  
Osawatomi City Hall  
439 Main Street  
Osawatomi, Kansas 66064

Dear Mayor Govea & Osawatomi City Council Members:

As I prepared to write my annual scholarship thank you letters, so many thoughts and emotions entered my mind. Sending prayers and positive thoughts to each of you for health, safety, courage, and confidence as we navigate these uncertain times was at the forefront. Adequately expressing my personal gratitude and that of our entire USD #367 Family followed closely.

There are only so many ways to say "Thank you", and I apologize for being redundant from year to year. However, the importance of letting all those involved in our scholarship program know how much we appreciate their stewardship and financial contributions is a task I take to heart. No matter your role in the Osawatomi High School Local Scholarship Program; steward, originator, family member or contributor, you are valued and appreciated.

The Class of 2020 ended their senior year like no other class. I am grateful they will have the scholarships awarded to them to move on from Osawatomi High School and into the next phase of their education. I believe they are each deserving and will be good representatives of OHS, the families, individuals and businesses that have provided the scholarships. I am confident Justin Bradley, the recipient of the Governing Body of Osawatomi Scholarship, is appreciative of the support and recognition received through the scholarship award.

Thank you again for your part in assisting the graduates of Osawatomi High School through our local scholarship program. The benefits received will continue for generations to come.

Sincerely,

Elizabeth J. Stout-Rhine  
OHS Local Scholarship Coordinator