

OSAWATOMIE CITY COUNCIL
AGENDA

September 10, 2015
6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Invocation – Pastor Ken Tyson, Vineyard of Hope
5. Consent Agenda
 - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action*
 - A. Approve September 10 Agenda
 - B. Approve Minutes for August 6 Special Meeting and August 13 Meeting
 - C. Appropriations Ordinance 2015-08
6. Comments from the Public
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
7. Presentations – none
8. Public Hearings – none
9. Unfinished Business
 - A. Generator Purchase Down Payment
 - B. Ordinance - Special Use Vehicles
10. New Business
 - A. Proclamation – National Rehabilitation Awareness Week
 - B. 2016 Standard Traffic Ordinance (STO)
 - C. 2016 Uniform Public Offense Code (UPOC)
 - D. 2016 CDBG Grant Writing Contract – Governmental Assistance Services
11. Council Reports
12. Mayor’s Report
13. City Manager’s Report
14. Executive Session
15. Other Discussion/Motions
16. Adjournment

REGULAR MEETING – September 24, 2015

REGULAR MEETING – October 8, 2015

Osawatomie, Kansas. **August 6, 2015.** The Special Council Meeting was held in the Osawatomie Public Library. Mayor Govea called the meeting to order at 6:36 p.m. Council members present were Dickinson, Hampson, Hunter, LaDuex and Walmann. Absent were Farley, Maichel and Wright. Also present were City Manager Cawby and Janine Sullivan.

OVERVIEW OF 2016 BUDGET. City Manager Cawby presented the proposed 2016 budget, along with the revised 2015 budget. Drafts and summaries were presented also. No action taken. City Manager Cawby advised the Council that he would publish the budget hearing notice with the amounts presented and the hearing would be set for the next Council meeting on August 27th at 6:30 pm.

At 7:26 p.m. **motion** made by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ashley Kobe, Clerk

Osawatomie, Kansas. **August 13, 2015.** The Council Meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:31 p.m. Council members present were Dickinson, Farley, Hunter, LaDuex, Maichel, Walmann, and Wright. Hampson arrived at 6:32 p.m. Also present were City Manager Cawby and Acting Council Secretary Janine Sullivan.

INVOCATION. Pastor Marvin Halvorsen, Blessed Hope Seventh Day Adventist Church, delivered the invocation.

CONSENT AGENDA. Approval of August 13th agenda, except item 5-C, Appropriation Ordinance 2015-07, and approval of the minutes of July 6th, July 16th and July 23rd council meetings. The City Manager advised the Appropriation Ordinance would be considered at the next meeting. **Motion** made by Hunter, seconded by LaDuex to approve the Consent Agenda as presented. Yeas: All.

COMMENTS FROM THE PUBLIC.

Pastor Marvin Halvorsen spoke of his church that is located at Lonestar and 169th Street. Locally the church focuses on at-risk families, children and seniors. They believe that families succeeding and living happy health lives is the task at hand.

Ben Kennedy, 418 Lincoln, discussed the drainage issue by his residence and the senior apartments on Carr Avenue. He stated it smells like a swamp, mosquitoes are bad and the ditch keeps getting washed out more and more.

PRESENTATIONS. None

PUBLIC HEARINGS. None

UNFINISHED BUSINESS.

LEASE OF SPORTS COMPLEX TO USD 367. The council approved an inter-local agreement earlier in the summer, instead the school proposed doing a long term lease agreement that includes the school taking over maintenance and financial costs. The lease would be a ten (10) year agreement, where either party could opt out six (6) months before the agreement was over and have a purchase option after two (2) years of the contract. **Motion** made by Maichel, seconded by Hampson to approve the lease of sports complex to USD 367. Yeas: All.

CONVEYANCE OF POOL PROPERTY TO USD 367. The current pool property is owned by the city. This includes from where the current pool is north to the river as well as north of the cul-de-sac to the river. City Manager Cawby is asking that we convey that current property to USD 367, with a utility easement that will be surveyed at a later date. **Motion** made by Hampson, seconded by Maichel to approve the conveyance of pool property to USD 367. Yeas: All.

NEW BUSINESS.

SELECTION OF CONTRACTOR FOR MAIN STREET WATER LINE PROJECT. Bids went out for water line construction along Main Street between 1st & 5th Streets and between 7th & 12th Streets. Five (5) bids were submitted for the project. The apparent low bidder had done previous work for us and at this time is not recommended to use. City Staff recommended the next apparent low bidder Nowak Construction for the project. Brian Kinsley, BG Consultants, spoke with Nowak Construction and they would be able to work quickly with our time frame. Kinsley stated that looking at the original construction budget and the bids that were submitted the city would be under budget by approximately \$240,000. **Motion** made by Hunter, seconded by LaDuex to select Nowak Construction as the contractor for the Main Street water project and authorize construction of the project. Yeas. All.

DRAFT ORDINANCE – SPECIAL PURPOSE VEHICLES (PRESENTED AFTER KNOX BOXES). Golf carts on city streets initiated the discussion of special purpose vehicles, with motorized wheelchairs being mentioned as well. City staff researched other city ordinances to come up with the proposed ordinance. City Manager Cawby will proceed with another draft ordinance from suggestions, such as ATV's, signage and a form of registration, from the council.

DRAFT ORDINANCE – KNOX BOXES (PRESENTED BEFORE SPECIAL PURPOSE VEHICLES). Brian Love, Fire Chief, and Robert Couture, firefighter, explained that Knox boxes are a box that is on the exterior of buildings that hold a master key to the building as well as codes to access the building without damaging the buildings in case of emergencies that only the fire department would have access to. Any new businesses, business renovating by 50 percent or more, any building being renovated that is receiving assistance from the City of Osawatomie, buildings that undergo a change in occupancy, building protected with an automatic alarm system and buildings protected by an automatic fire suppression or standpipe system would be required to obtain a Knox box. If current businesses and/or residents would want a Knox box, they would order through the fire department. **Motion** made by Hampson, seconded by Maichel to approve the Knox box ordinance. Yeas. All.

COUNCIL REPORTS.

Hunter: School is getting ready to start.

Hampson: The demo of the old pool started. Also, with school starting so will the tailgating parties before all home games. All local businesses funded the parties, so it is free to the public.

MAYOR'S REPORT.

Brought in pictures of the pool demo to share with everyone.

CITY MANAGER'S REPORT.

Continuing to work on the electric generation project.

EXECUTIVE SESSION. None

OTHER DISCUSSION/MOTIONS.

At 8:11 p.m. **motion** made by all council to adjourn. Yeas: All.

Ashley Kobe, Clerk

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ORDINANCE NO. 2015-08

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AN ORDINANCE MAKING APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS.

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

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

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
KMEA	SPA Electricity	1644	4,266.08
KMEA	WAPA Electricity	1645	12,264.13
KMEA	GRDA Electricity	1646	104,046.81
Altec Industries	High Visibility Jacket & Overalls	46156	108.57
AT&T	RTU'S	46157	222.67
Auten Pharmacy	First Aid Spray	46158	5.38
BG Consultants	Consulting Services	46159	3,884.08
Bonner Springs Library	Lost Book	46160	17.00
Brenntag Mid-South, Inc.	Sodium Hypochlorite	46161	2,874.75
C&G Merchants Supply	Toilet Tissue, Cups	46162	85.91
Callaway Golf Sales	Golf Balls, Hats, Towels	46163	4,076.20
Delta Dental	Dental Insurance	46164	2,923.10
Elite Carriages of Kansas City	Performance Fees-Freedom Festival	46165	225.00
Family Tire and Repair	Tire Repair	46166	55.00
Richard Fisher, JR	Attorney Fees	46167	1,550.00
Kansas Department of Commerce	JTC Oil Lease-September 2015	46168	1,000.00
Kansas One Call Concepts	Locates	46169	34.00
Kansas State Treasurer	Training Funds	46170	705.50
Laser Impressions, Inc.	Engraved Book Spines	46171	425.88
Navrat's Office Products	Copy Paper, Utility Bills	46172	1,640.10
ND&H Attorney's at Law	Attorney Fees	46173	777.50
New Century Dodge	Arm Control	46174	307.20
O'Reilly Auto Parts	Wipes, Quick Splice, Push Buttons	46175	56.65
Olathe Winwater Works	Fire Hydrant Meter, Meter Pit, Wrench	46176	2,861.60
PUD, LLC	NU Chain	46177	637.73
Reflective Group	Phones, Service	46178	512.48
Ricoh	Copies	46179	214.11
Rural Water District #1	Service	46180	481.76
Suddenlink	Internet	46181	119.90
T Mobile	Service	46182	44.66
Triplett, Wolf & Garretson	Bond Counsel	46183	3,276.10
USA Blue Book	Reagent Dispenser	46184	54.95
Wade Quarries	Gravel	46185	1,144.15
Wycoff's Locksmithing	Program Keys	46186	210.00
City of Osawatomie	Petty Cash Reimbursement	1647	3,616.49
Kansas Department of Revenue	Water Protection & Clean Water Tax	46187	1,605.55
Allenbrand-Drews & Associates, Inc.	Boundary Line Adjustment	46188	3,600.00
Baker & Taylor	Books	46189	423.30
Bauer Compressors	Drysuits, Gloves, Boots	46190	13,104.00
Bowes Automotive Products	Hose, Flashlight, Magnet	46191	72.70

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
City of Osawatomie	Utilities	46192	14,860.97
Design Mechanical	Shut Down Boilers and Repairs	46193	2,477.54
Detroit Industrial Tool	Diamond Blade	46194	318.32
Dish Network	Service	46195	85.31
Dive Rescue International	DRI Comm Rope Wrap	46196	134.31
Donna & Viola's Shirts	Patches	46197	20.00
EMG, Inc.	Energy Consulting	46198	4,246.88
Environmental Compliance Solutions	Audit & Consultation Retainer	46199	835.00
Evco Wholesale Food Corporation	Gatorade, Gloves, Tea Bags, Hot Dogs	46200	302.05
Family Center	Pump, Gloves, Sawhorse, Broom	46201	984.88
Jennifer Haeefe	Contractual for Library	46202	300.00
Kansas City Power & Light	Virtual Tour	46203	1,250.00
Kansas City Wilbert	Grave Openings	46204	3,565.00
KC Bobcat	Radiator, Gasket Kit, Tank, Cap	46205	1,001.65
Killough Construction	Asphalt	46206	545.40
Kincaid Ready Mix	Concrete	46207	6,328.75
L&K Services	Refuse, Empty Dumpster	46208	34,853.08
Lang Chevrolet	Insurance Claim	46209	399.00
Louisburg Ford Sales	Brake Controller Module	46210	323.04
Lybarger Oil	Fuel	46211	6,983.41
Maxim Golf Solutions	Consulting Services	46212	2,500.00
Miami Lumber, Inc.	Door Closer, Screws, Lumber, Locks	46213	622.17
Moon's IGA	Ribs, Roast, Steak, Ham, Pop, Water	46214	422.88
MRWAD #2	Water Assurance	46215	7,802.67
Oil Patch Pump & Supply	Adapter, Reducer	46216	5.93
Osawatomie Chamber of Commerce	Appropriation	46217	10,000.00
Pace Analytical	Analytical Charges	46218	352.00
Paola Do It Best Hardware	Rope, Keys, Electrical Tape, Fuse	46219	90.60
Pepsi	Pop, Co2	46220	180.07
Quill	Ink	46221	161.91
Reserve Account	Postage	46222	1,200.00
Smitty's Lawn & Garden Equipment	Diagnose Hydrostat Problem, Belt	46223	1,800.73
Suddenlink	Internet	46224	331.91
Superior Lamp	Bulbs	46225	364.18
T&R Electric	Pad Mount Transformers	46226	12,785.00
TBS Electronics, Inc.	Radio System, Programming	46227	20,152.00
USA Blue Book	Chlorine, Electrode, Meter	46228	462.05
USD 367 Transportation Services	Transportation Services	46229	292.50
Visa	Books, Pizza, Bitdefender, Office	46230	667.30
Wilson Sporting Goods	Grips, Golf Balls	46231	945.85
Winkler, Domoney & Schultz	Municipal Court Judge	46232	4,120.00
Winterscheid Auto Parts	AC Compressor, Filters Belt, Battery	46233	-
Winterscheid Auto Parts	AC Compressor, Filters Belt, Battery	46234	1,941.17
Wycoff's Locksmithing	Deadbolt Door Pull	46235	292.19
Zep Sales & Service	Dust Mop Refills	46236	341.12

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
KMEA	EMP Electricity	1648	42,274.46
Crawford Sales Company	Budweiser	46237	343.50
Midwest Distributors	Miller	45238	294.70
Branine Chevrolet	2006 Chevy Impala	46239	6,690.00
Sharp Honda	2005 Mercury Grand Mar Sedan	46240	5,799.95
Postmaster	Postage	46241	2,000.00
Advanced Environmental	Asbestos Abatement	46242	498.00
Brewer's Automotive Repair	Replace Ignition Coil, Set Toe In	46243	365.46
Cole Parmer	Kit Service, Pump Head	46244	658.58
Gallagher Benefit Services, Inc.	Administration Fee	46245	445.00
Golden West Industrial Supply	Towel Arctic Wrap	46246	140.12
Grainger	Key Control Cabinet, Toilet Handle	46247	186.58
J.P. Cooke Co.	Animal Tags	46248	59.63
John Deere Landscapes	Herbicide, Cannon Methylated Oil	46249	759.33
Kansas City Power & Light	Service	46250	2,512.22
Kansas Dept. of Health & Environment	Wastewater Permit	46251	245.00
Kansas Gas Service	Service	46252	519.47
KC Golf Cart Company	Cart Rental	46253	2,750.00
Killough Construction	Asphalt	46254	1,056.15
Kriz-Davis Co.	Cabinet, PVC, Clamp, Conduit	46255	10,321.05
Madden Rental	Portable Toilet Rental	46256	1,065.00
Michael Mallory	Greens Aeration	46257	800.00
McConnell Machinery Co.	Spring	46258	43.80
Miami County Health Department	TB Skin Test	46259	50.00
Mid States Energy Works, Inc.	Batteries	46260	58.98
Norton & Schmidt	Structural Inspection	46261	1,000.00
NPG Newspapers	Treasurer's Quarterly Report	46262	1,027.78
Olathe Winwater Works	Meter Pit	46263	322.00
Osawatomie Pet Clinic	Ketaject, Kennel Cleaner, Euthisol	46264	228.00
Paving Maintenance Supply	Hitch Extension Assembly, Polyflex	46265	2,157.38
Reflective Group	Service	46266	588.27
Reinders	Pesticide	46267	548.18
Ricoh	Copies	46268	480.11
Ricoh	Copier Lease	46269	280.78
Ricoh	Copier Lease-Library	46270	96.87
Ricoh	Copier Lease-PD	46271	183.90
RMI Golf Carts	Shift Knob, Spring Set	46272	20.86
Smith's Appliances, Inc.	Service Call	46273	49.95
Suddenlink	Internet	46274	297.47
Thomas Outdoor Advertising	Billboard Rental	46275	540.00
Visa	Airfare, Lodging, Downspout Boot	46276	1,687.75
Visa	Airfare, Shuttle, Printer, Handcuffs	46277	1,248.53
Wallis Lubricant	Mob Gear, Mob Tac	46278	219.48
Westfall GMC	Pipe	46279	329.80
Winfield Solutions	Gravity, Aquicare, Lexicon Intrinsic	46280	1,640.41

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Kansas Department of Revenue	Sales Tax	1649	11,314.23
Kansas Department of Revenue	Compensating Use Tax	1650	145.15
Kansas Department of Revenue	Sales Tax	1651	912.61
United Healthcare	Health Insurance	1652	37,441.81
KMEA	Nearman Electricity	1653	32,458.67
City of Osawatomie	Petty Cash Reimbursement	1654	4,266.39
Kansas State Treasurer	Bond Principal & Interest	1655	491,882.50
Crawford Sales Company	Budweiser	46281	381.50
Midwest Distributors	Miller	46282	252.60
Ace Pest Control	Pest Control	46283	475.00
Atco International	Pop-Up Swipe	46284	122.50
Batteries Plus	Battery	46285	16.95
Beachner Grain, Inc.	Glyphosate, Amine, Crossbow	46286	256.66
BG Consultants, Inc.	Consulting Services	46287	10,337.84
Callaway Golf Sales Company	Golf Clubs	46288	623.67
Century Link	RTU'S	46289	236.56
Demco	Jacket Covers, Label Protectors	46290	100.03
Richard Fisher, Jr.	Attorney Fees	46291	1,550.00
Gun-KO	Traffic Sign Rental	46292	123.00
John Deere Landscapes	Herbicide, T-Nex, Merit	46293	522.72
KS Dept. of Health & Environment	Principal, Interest, and Service Fee	46294	20,000.00
League of Kansas Municipalities	2015 STO & UPOC Book	46295	485.95
Madden Rental	Portable Toilet Rental	46296	140.00
Martin Pringle	Municipal Matters, City Prosecutor	46297	5,734.41
Metcalf Ridge Golf Club	Golf Cart Rental	46298	450.00
Miami County Sheriff's Office	Prisoner Care	46299	2,322.43
NPG Newspapers	Farmland for Lease Ad	46300	260.00
Professional Turf Products	Control Throttle	46301	51.34
Ricoh	Copies	46302	342.79
Security 1st Title	Title Search	46303	250.00
Superior Vision	Vision Insurance	46304	633.77
Debbie Talley	Memorial Hall Janitorial	46305	375.00
USA Blue Book	Hypochlorite Test Kit, Hach Fluoride	46306	164.09
Viking Industrial Supply	Paper Products	46307	493.26
Walmart	Paper Shredder, Pork Loin, Pop	46308	1,134.07
Payroll 08/07/15			89,063.57
Fica 08/07/15			6,272.31
Payroll 08/21/15			97,519.14
Fica 08/21/15			6,913.33
KPERS			16,817.32
KPERS-June			450.68
			1,257,358.16



STAFF AGENDA MEMORANDUM

DATE OF MEETING: September 10, 2015

AGENDA ITEM: Generation Project Down Payment

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: At its last meeting, the City Council adopted a resolution of intent to issue bonds for the generation and distribution upgrades. As has been discussed previously, we intend to purchase seven, 2 mW generators to serve as our replacement capacity and emergency generation for the City. In order to secure these generators, we will need to make a non-refundable down payment of \$250,000 as soon as the protest period on the resolution of intent has expired. This would obligate the City to the purchase of the \$1.95 million purchase of the generators that have been previously discussed.

I am requesting approval to make this down-payment to High Plains Power subject to an agreement acceptable to both parties. The agreement on our end will be to make the down payment and then make the rest of the \$1.7 million payment once the bond proceeds have been received. There will likely be some additional costs in the contract for the interest High Plains Power will accrue in carrying this \$1.7 million for 45-90 days, and we will have to negotiate that provision as well.

I would like to make the down-payment on September 18 so that the generation units are locked up and we can move on with coordinating the removal and delivery of the units in mid-October. It also puts us on a timeline for getting bonds issued. Delaying until the next Council meeting, which may be October 10, may put the entire project in jeopardy and may increase project costs because of the inability to remove the generators from their current site by the current deadline.

COUNCIL ACTION NEEDED: Review and discuss the request to purchase and make the down payment as presented.

STAFF RECOMMENDATION TO COUNCIL: Review and discuss authorizing the City Manager to make the proposed down payment for the purchase of the generators, subject to approval of the purchase agreement by the Mayor and City Attorney.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: August 27, 2015

AGENDA ITEM: Generation Project

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: The City of Osawatomie operates an electric utility for the citizens of Osawatomie. The utility currently has approximately 2,000 meters, an average daily load of 95 mWh and an expected peak load of 9.2 mW. The City distributes the power on a 4160 volt system through two interconnects with KCPL and two substations.

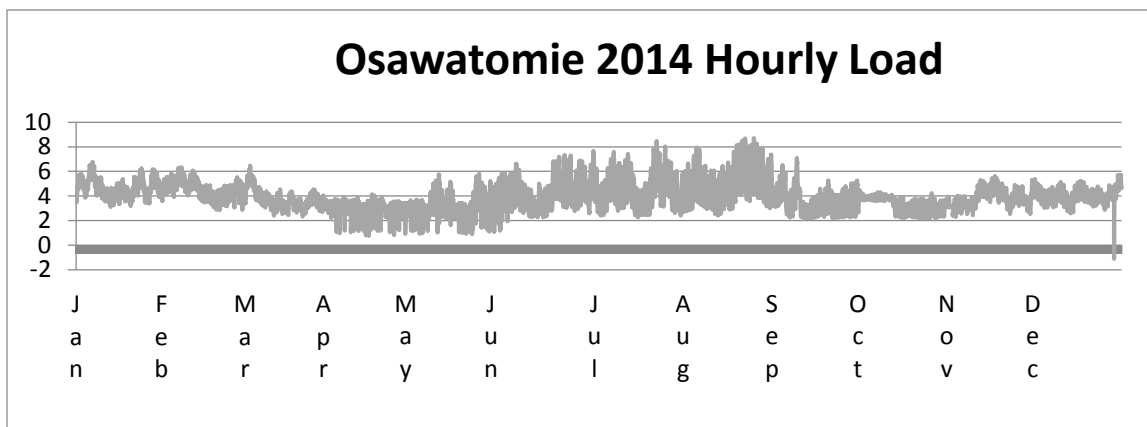
The City owns and operates 5.6 mW of onsite dual/fuel generation, which because of age and efficiency issues is primarily serves as emergency back-up and as capacity coverage for whole sale purchasing of power. The City currently has the following energy contracts which provides the City with 6.8 mW of power:

Table 2 – Current Capacity (mW) and Cost (2014) without Transmission

<u>Provider</u>	<u>Capacity</u>	<u>Capacity Charge</u>	<u>Energy Purchased</u>	<u>Cost of Purchased</u>	<u>Energy \$/mWh</u>	<u>Total \$/mWh</u>
GRDA	3.0	\$ 277,683	22,198	\$ 866,772	\$ 39.1	\$ 51.6
Nearman	2.5	234,300	5,145	199,618	38.8	84.3
WAPA	0.9	52,030	2,806	64,271	22.9	41.5
SPA	0.4	22,280	585	12,171	20.8	58.9
EMP1	5.6	0	4,629	201,753	43.6	43.6
Total	12.4	\$ 586,293	35,328	\$ 1,344,585	\$ 38.02	\$ 54.6

The City was given the opportunity in 2014 to opt out of the BPU-Nearman contract, which currently costs the City \$234,000 per year for capacity and is very unreliable. As the table demonstrates above, the cost of power from this facility. Some of the major limitations of the current system are:

- Generation only supports half of the City’s load. In order to move load to all legs of the City’s system when the City is generating emergency power, switches and connections must be manually moved to feed those legs to connected to the power plant substation. This can only occur if usage is under the City’s generation capacity at the power plant. When usage is higher and power is dropped from the interconnection, southern portions of the town are without power. As mentioned earlier, the City’s peak load is a little over 9 mW and the City generation capability is only 5.6 mW. Almost half the town would be without power during peak times.
- Backup generation is currently manually operated and slow to come online. None of the City’s generators have the appropriate switches or equipment to come on automatically and come back online in a timely manner. In fact, employees have to work with flashlights in order to bring the current generators online.
- The City distributes power at a lower voltage than typical systems. The current 4160 volt system is in need of an upgrade to 12470 volts in order to increase reliability and reduce wasted power through line loss.



Proposal

The City has been investigating its options concerning the replacement of capacity for the BPU-Nearman power since the City voted to opt out of the contract in 2014. By opting out, in the short-term the City will save approximately \$240,000 per year in capacity payments being paid to BPU-Nearman and will instead have to replace the capacity. This can come from a contract

with another provider for additional capacity or by building that capacity into its current generation profile.

After forming a Power Supply Task Force and meeting several times to discuss the best long-term strategy for the City, a consensus was reached that the City should look at options for increasing the City's generation capabilities. This would not only provide the needed capacity at the same or a slightly higher cost to the City, but would provide the City with back-up generation for the entire community and plenty of capacity for expansion in its industrial areas.

As the City began investigating possibilities and developing a budget, the City learned of seven 2mW generators available for purchase (14mW total). The generators are 2006 Caterpillar 3516 generators with diesel engines which run at 1800 rpms. The generators come with 480V step-up transformers and switch gear to distribute at 13.8 volts. The generators are under the original warranty which will expire in November 2016. All generators are in the low to mid two-thousand hour range. Typically generators like these will run from 10,000 to 15,000 hours before the generators will need to be rewound. Each unit is RICE complaint and comes in its own modular building with switchgear. The original price on the units was \$2.2 million, which would be about \$157,000 per mW. New, these units would run over \$1.0 million each.

The current costs related to this proposed project are included on **Table 1**.

Financing

As shown in Table 1 above, the full project is conservatively estimated to be approximately a \$6.1 million. Financing would be through Electric Revenue Bonds which would be repaid by electric receipts. As shown in the attached proforma, the City will experience approximately \$240,000 in savings by eliminating the BPU-Nearman capacity contract. Second, the City will have the opportunity to sell excess capacity to other municipalities. The City's excess capacity could easily generate another \$100,000 to \$200,000 in revenue once the excess capacity can be fully marketed. For this proforma, the City estimates conservative revenues until such time the excess capacity can be sold.

The proforma also estimates an approximately 3% increase in rates for 2016 and 2017. However, this is a very conservative proforma which does not consider the complete timing of debt, the conservative estimate of costs, and the possibility of other revenue from capacity sales. Should loan proceeds exceed the cost of the project, there will be flexibility in the bond issuance to allow that money to be spent on the distribution upgrade thereby reducing the future cash outlay in the proforma.

It should be noted that in order to issue revenue bonds for this project, the City will need to undergo a bond rating process before issuing the bonds. This process will take several hours of preparation time by City staff.

Table 1 - Projected Expense Summary

	<u>Original Peterson</u>	<u>7 Units Updated</u>	<u>6 Units Updated</u>
Generator Delivery	\$ 220,000	\$ 112,000	\$ 99,000
Generator Warranty	-	157,850	135,300
Site Development	50,000	50,000	50,000
Generator Foundations	100,000	100,000	100,000
Substation	500,000	500,000	500,000
Sub-T Trans (12/14/15 KVA)	500,000	500,000	500,000
Station Power	40,000	40,000	40,000
Generator Connections	150,000	150,000	150,000
Switchgear	100,000	100,000	100,000
Relays (SEL-300G)	60,000	60,000	60,000
Reactors/Surge Protection	120,000	120,000	120,000
Controls/Monitoring	50,000	50,000	50,000
Generator Megger Testing	42,000	6,000	6,000
Generator Load Testing	-	31,000	27,000
Generator Engine Testing	-	36,400	31,200
Generator #7 Repairs	-	150,000	-
Dual Fuel Conversion	700,000	-	-
Plant Sub/Trans		450,000	450,000
New Electric Shop		450,000	450,000
Subtotal	\$ 2,632,000	\$ 3,063,250	\$ 2,868,500
Contingencies (20 %)	394,800	612,650	573,700
Permitting/Eng/Legal (15 %)	300,000	459,488	430,275
Generators	2,200,000	1,950,000	1,830,000
Total Project Cost	\$ 5,526,800	\$ 6,085,388	\$ 5,702,475
City Budget	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000
Under/(Over) Budget	(526,800)	(1,085,388)	(702,475)
Estimated Annual Debt Service			
20 year	\$ 455,408	\$ 501,436	\$ 469,884
25 year	414,510	456,404	427,686
30 year	389,087	428,411	401,454

Table 2 - Project Timeline

Aug 20	Megger test & inspect plant by Wilson Electric, Gary Pern completed. City cost \$6,000.
Aug 27	Approve resolution to approve the issuance of bonds for the project.
Sep 2	Publish Resolution. Once published, there is a 15 day protest window before bond the City could lock in any costs.
Sep 10	Approve the City Manager to make a \$250,000 non-refundable deposit should there be no protest on the bonds.
Sep 18	Put down a \$250,000 non-refundable deposit.
Oct	City undergoes bond rating process.
Mid-Oct	Generators are shipped to either a Cat facility or Osawatomie for placement, inspection and servicing. Load tested once on site in Osawatomie. Cat warranty will cover any defects found at that time.
Nov	City issues bonds. Makes payment on remainder of generators and pays accrued moving and engineering expenses.
Early Dec	City purchases extended warranty with operating funds, after bonds proceeds are distributed and down payment recouped.

Project Benefits

Some major items in the Capital Improvements Plan and we will be realized by this one project. Of course, is the primary goal of the addition of generation for capacity and backup power for the entire City.

Second, is the much needed upgrade to the City's distribution system. This project will allow the City to have in place the substation and equipment to upgrade the City to a 12470 volt system over a 6 to 8 year time period. The plan would be to focus all current yearly system upgrade funding to a replacement of a feeder leg at a rate of about 2 legs per year. This focusing of costs should allow the City to upgrade the system with its own staff, saving hundreds of thousands of dollars over the life of the project. Furthermore, we anticipate the system upgrades to only cost about \$75,000 per year, of which most would be included in the current operating budget.

Third, is the moving of the electric shop to the public works shop and building an expanded building. The new building would fit within the current open yard of the public works shop and allow all non-plant Public Works and Utilities employees to be located in one area.

Fourth, it would also free up the current Electric Line Shop to be used as the Osawatomie Fire Station. Some renovations may be needed, but they can be completed by volunteer and City staff at a relatively minimal cost.

Another major advantage of this project will be the City's ability to stand out as an attractive option for industrial businesses with large power needs. This configuration of generation will allow the City to market its units as on-site backup power for a large power-using industry in the Northland development area.

Alternatives to this Project

Both City staff and the Power Supply Task Force have examined options and alternatives to this project, and have developed the following analysis of the major options.

Save and Pay Cash. There are two reasons why banking the savings from the Nearman Project and paying cash for the project later is not a viable option. First, the City needs to address its long-term capacity needs within the next couple of years. The City would have to save \$240,000 for 25 years in order to raise the \$6.0 million needed for this project. Even if interest kept up with the time value of money, the City's growth would be limited by not having adequate generation.

Second, it is a buyer's market for generation. Currently generation, capacity and electricity rates are at a low point in the business cycle. Generation is becoming available because of the increased alternative sources available on the market. This drives down both capacity costs and the cost of acquiring generation. Coupled with a time of low interest rates, in just a few years the City would pay more in interest costs and for the value of generation.

Without the Electric Shop and current Power Plant, the complete upgrade costs a little under \$350,000 per mW of generation. The cost of just acquiring generation, without the costs of other needed distribution related upgrades is typically \$1.0 million per mW or more. Smaller Project. This

Smaller Project. The City could look at purchasing just the minimum amount of generation necessary to run the entire City. To do so, the City would most likely need to purchase about 5.0 mW of generation to cover the necessary capacity and be able to operate the entire community on a high demand day. Even if the City were able to acquire generation at \$400,000 per mW or \$2.0 million, which is a better than can be expected price, the City should still expect to pay at

least an estimated \$2.5 million for the substation, transformer and related switchgear. That is only \$400,000 less than the price of this project for about 1/3 the capacity.

Sell the Electric System. About 15 years ago, the City considered selling the electric system to KCPL, who was a willing and eager buyer at the time. Without knowing the exact details, the decision was made for the City to retain the system. Now, in this economic climate, when generation is not at a premium, such an offer would not be on the table. Furthermore, the City would need to get a substantial offer to offset the loss of the profit generated by the utility which supplements 15 to 20 mills of tax base. Finally, a state statute is now in place which sets the value for transfer of service areas between public and private utilities, so there is very little leverage to get a better than market deal from a private utility company.

Do Nothing. The City's easiest, but perhaps most costly option is to do nothing. The City's main substation is in desperate need of upgrade and/or replacement. The cost of that upgrade is at least \$1.0 million and is included in this project. If the City waits until it fails to replace it, the City's energy costs will skyrocket because generators will have to run continuously until the transformer is fixed.

Also, the City currently has about 15% loss between energy purchased and energy sold. It is estimated that about 5% of that amount is for street lights, with a large remained being distribution line loss and some small amount of unmetered use. Furthermore, the current 4160 voltage limits the distance power can travel without adding a substation. If the City does not invest in an upgrade the 4160 system, the cost of transformers, switches and equipment will become very costly because new production of this equipment will become limited.

Most importantly, if the City waits until the system is on its last legs, contract labor will be required to upgrade the system quickly, meaning that the cost of the upgrade would be at least, if not more than, the entire generation and distribution project as proposed. The 2011 Sawvel Study of the City's distribution system estimated that a new substation and upgrade to a 12470 system, performed by contractors, would cost approximately \$5.3 million.

COUNCIL ACTION NEEDED: Review and discuss the project and consider the proposed bond resolution.

STAFF RECOMMENDATION TO COUNCIL: To move this project forward, the City Council will need to approve the proposed Bond Resolution to allow the notice and protest period to occur before the City can expend funds with the ability to get reimbursed from bond proceeds. This does not require the City Council to issue bonds at this time. At the September 10 meeting, the City Council will be asked to authorize the City Manager to make a sizeable non-refundable down payment on the project once the notice and protest period has expired.

The Power Supply Task Force, which represents 3 of the City's largest utility customers, and City Staff recommend the approval of this project.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: September 10, 2015

AGENDA ITEM: **Special Use Vehicles**

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: On August 13, at the request of the Council, we provided a draft of an ordinance covering several issues surrounding golf carts and other special use vehicles on City streets. The ordinance was reviewed and suggestions were made for changes to the ordinance – annual registration and removing ATVs from special use vehicle permits. Attached is a draft with those recommendations incorporated.

I have also reviewed the Utility Vehicle (UTV) issue after the public comment at the August 27 meeting. After seeing the UTVs and reviewing how they fit into the ordinance, I have made some modifications based upon the issue of possible speeds of the vehicles. The current definition of Work-Site Utility Vehicle is broad enough to cover all UTVs, both a traditional “Gator” or “Mule” as well as the off-road recreational vehicles you saw at the last meeting. I have made modifications in an attempt to separate true “work” UTV which seem to be more compatible with the concept of approving golf carts. The “recreational” vehicle I believe is more in line with the ATV issue, so I have modified the ordinance so that they are treated like ATVs. The limitation I have proposed will be that work vehicles must have a maximum speed of 50 miles and hour and also have a substantial (3 ft.) length of bed. These seem to be the major differences between work and recreational type UTVs.

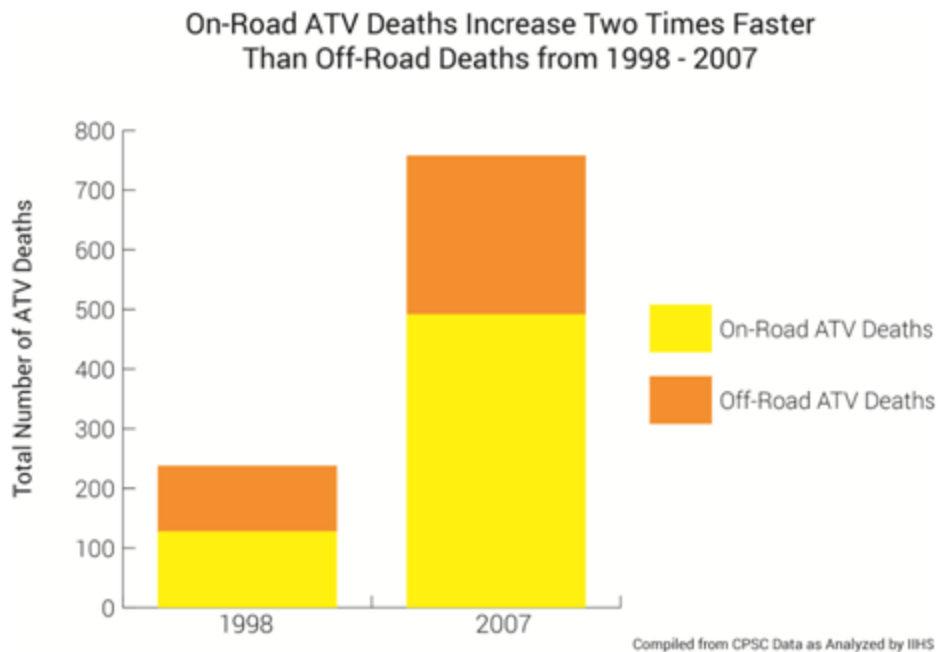
I have included information from the Police Department about ATVs and issues related to their safety on public roads.

COUNCIL ACTION NEEDED: Review and discuss the proposed ordinance.

STAFF RECOMMENDATION TO COUNCIL: Amend as necessary, consider for approval, or slate for action at a later date.

From: BButters@osawatomiepd.org
To: [Don Cawby](#)
Subject: ATV's
Date: Wednesday, September 2, 2015 10:29:33 AM
Attachments: [ATT00001.png](#)

There is a lot of data out there that says that ATV's are not safe for street use nor designed to be ridden on the roadways. I have attached several articles, links and graphs that relate this information.



ATVs are More Dangerous on Roads

In spite of warnings from manufacturers, federal agencies, and consumer and safety advocates that all terrain vehicles (ATVs) are unsafe on roadways, for several years an increasing number of states have passed laws allowing ATVs on public roads, and additional states and counties are currently considering such laws. The majority of ATV deaths take place on these roads and action is needed to reverse this dangerous trend.

In response to this problem, CFA has brought together a coalition of individuals and organizations dedicated to reducing deaths and injuries caused by All-Terrain Vehicles.

As part of our efforts to reverse the trend toward increased ATV use on roads, our coalition works together to educate the public and decision makers about the dangers of allowing ATVs on roads.

"The evidence shows these are vehicles not designed to be driven on paved roads, which most public roads are," said Anne McCartt, senior vice president for research at the institute.

Manufacturers agree. The vehicles aren't safe on public roads, in part because of the increased risk of colliding with a car or truck, and because they don't meet U.S. highway safety standards, such as having rearview mirrors, according to the Specialty Vehicle Institute of America, an industry trade group. "One of our golden rules is not to ride on pavement," said Kathy Van Kleeck, a spokeswoman.

The following links are articles regarding the safety of ATV's on the roadway:

<http://www.consumerfed.org/pdfs/ATVs-on-roadways-03-2014.pdf>

<http://www.scripps.com/atvs-dangerous-deadly-on-public-roads>

In addition, the All-Terrain Safety Institute recommends that all terrain vehicles not be ridden on roadways as they are not intended or designed for road use. The link follows:

<http://www.atvsafety.org/>

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS, WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, AND ALL TERRAIN VEHICLES ON THE STREETS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF OSAWATOMIE AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; BY AMENDING CHAPTER 14, ARTICLE 6, OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE, AND REPEALING ALL EXISTING SECTIONS THEREIN; AND CREATING A NEW CHAPTER 12, ARTICLE 10 OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE

WHEREAS, the City of Osawatomie, Kansas has adopted the current version of the “Standard Traffic Ordinance for Kansas Cities” as published by the League of Kansas Municipalities; and

WHEREAS, said Standard Traffic Ordinance prohibits the operation of golf carts, work-site utility vehicles, micro-utility trucks, and all-terrain vehicle on city streets; and

WHEREAS, the City of Osawatomie wishes to specifically allow the operation of golf carts, work-site utility vehicles, micro-utility trucks and all-terrain vehicles on city streets under certain conditions;

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

Section 1. Article 6 of Chapter 14 of the Code of the City of Osawatomie is hereby amended to read as follows:

ARTICLE 6. SPECIAL PURPOSE VEHICLES

14-601. Definitions.

As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a) “Golf Cart” means any motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(b) “Work-Site Utility Vehicle” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped

with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, has a maximum speed of 50 miles per hour and equipped with a bed or cargo box for hauling materials of no less than 36 inches in length.

(c) “Micro-Utility Truck” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab.

(d) “All-Terrain Vehicle (ATV)” means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this definition, non-highway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(e) “Recreational Off-Highway Vehicle (ROV)” means any means any worksite utility vehicle having a maximum speed over 50 miles per hour, whether or not equipped with a bed or cargo box for hauling materials.

(f) “Pocket bike” means every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and on which the headlights are lower than 24 inches from the ground, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

(g) “Motorized scooter” means a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

(h) “Special purpose vehicle” means golf cart, work-site utility vehicle, and micro-utility vehicle, either individually or collectively, but does not include all-terrain vehicle, recreational off-highway vehicle, pocket bike or motorized scooter.

14-602. Operation of Special Purpose Vehicles in City Limits.

It shall be unlawful for any person to operate, or for the owner thereof knowingly to permit the operation, any special purpose vehicle, upon any street or alley within the City limits of Osawatomie, Kansas or upon any City owned or leased property within or without the City limits of the City of Osawatomie, Kansas, except as provided for in this article.

(a) Special purpose vehicles, may be operated upon the public highways, streets, roads and alleys within the corporate limits under the of the city as provided, except as follows:

(1) No special purpose vehicle may be operated upon U.S. Highway-169,

Osawatomie Road, Plum Creek Road, Old Kansas City Road, 343rd Street, 335th Street, or any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour, however, that the provisions of this subsection shall not prohibit a special purpose vehicle from crossing any public highway, street, road or alley unless otherwise prohibited by state law.

- (2) No golf cart shall be operated on any public highway, street, road, or alley between sunset and sunrise.
- (3) No work-site utility vehicle or micro-utility truck shall be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated (K.S.A), and amendments thereto.
- (4) No golf cart or work-site utility vehicle with a maximum speed of 25 miles per hour or less shall be operated on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving emblem on the rear of the vehicle. Such slow moving emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.
- (5) No micro-utility truck shall be operated on any public highway, street, road or alley unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the K.S.A., and amendments thereto.

(b) In addition to any equipment required by this ordinance, all special purpose vehicles shall be equipped with at least one rear view mirror.

(c) All special purpose vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

14-603. Operator Requirements; Owner Duties; Insurance; Penalty.

(a) All persons are required to wear seatbelts in all special purpose vehicles if originally equipped by the manufacturer.

(b) Every person operating a special purpose vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(c) No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid, unrestricted, driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

(d) Every owner of a special purpose vehicle shall provide liability coverage in accordance with the most current adopted Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.

(e) All provisions of the most current adopted Standard Traffic Ordinance with regards to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

14-604. Registration; Fee; Application; Inspection; Penalty.

(a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and display a valid registration decal or tag affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle.

(b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the Police Department. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number).

(c) An annual registration fee for a special purpose vehicle shall be established by the annual fee resolution, but shall not be less than twenty-five dollars (\$25.00) and shall be for all or any part of a calendar year, with no prorated fees for a partial year.

(d) Proof of insurance, as required in this article, shall be furnished at the time of application for registration.

(e) The registration decal or tag issued hereunder is not transferrable. In the event of sale or other transfer of ownership of a vehicle licensed under the provision of this section, the existing registration decal or tag and the right to use the numbered decal or tag shall expire, and the decal or tag shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(f) In the event a registration decal or tag is lost, stolen or destroyed, it is the responsibility of the owner and must be re-registered with a full registration fee before the special purpose vehicle may be operated on a public road.

(g) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such registration decal or tag during the time in which the same is operative.

(h) It shall be unlawful for any person to:

(1) Operate, or for the owner thereof knowingly to permit the operation, upon a

public highway, street, road or alley within the corporate limits of the city a special purpose vehicle which is not registered and which does not have attached thereto and displayed thereon the registration decal or tag assigned thereto by the city.

- (2) Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.
- (3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
- (4) Remove, conceal, alter, mark or deface the license number plate, plates or decals or any mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
- (5) Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.
- (6) Any person convicted of a violation of any provision of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$300.00.

14-605 Recreational Off-Highway Vehicles, Pocket Bikes, and Motorized Scooters Prohibited.

The operation of recreational off-highway vehicles, pocket bikes, and motorized scooters on the streets, roads, alleys or public property within the corporate limits of the City of Osawatomie is prohibited, unless specifically authorized for a City sponsored event or City permitted special event.

14-606 Penalty.

Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provisions as the city may then have in effect.

14-607 Exemptions.

(a) Special purpose vehicles which are owned, leased or operated by the City or other governmental entities that are being operated for the purpose of maintaining roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the restrictions of this article, except for equipment and lighting restrictions in Section 14-602 and insurance and operator requirements in Section 14-603.

(b) Special purpose vehicles which are owned or leased by golf courses, when used for the purpose of loading and unloading of golf equipment on streets immediate adjacent to the golf course are exempt from the restrictions of Section 14-602 not related to equipment or lighting.

Section 2. The Code of the City of Osawatomie is hereby amended to create a new Article 10 in Chapter 12 to read as follows:

ARTICLE 10. LEVEES AND DAMS

12-1001 Unlawful Uses. It shall be unlawful for any person to drive any vehicle, permit grazing of livestock, to dig or remove dirt or make any excavation, to plow, furrow, or cause ruts or tracks in or on the ground, to hunt birds or animals or to discharge firearms, to camp, to picnic, to erect signs or billboards, to interfere with or cause destruction to any fence, gate, levee and dike, or to deposit litter of any kind on land acquired by the City for levee and flood protection purposes.

12-1002 Same; Penalty. Any person found guilty of violating the provisions of this article shall be punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

Section 3. EXISTING ARTICLES AND SECTIONS REPEALED. Chapter 14, Article 6 in its entirety of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance are hereby repealed.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in force from on November 1, 2015, and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 10th day of September, 2015.

APPROVED AND SIGNED by the Mayor.

—

L. Mark Govea
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS, WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, AND ALL TERRAIN VEHICLES ON THE STREETS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF OSAWATOMIE AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; BY AMENDING CHAPTER 14, ARTICLE 6, OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE, AND REPEALING ALL EXISTING SECTIONS THEREIN; AND CREATING A NEW CHAPTER 12, ARTICLE 10 OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE

WHEREAS, the City of Osawatomie, Kansas has adopted the current version of the “Standard Traffic Ordinance for Kansas Cities” as published by the League of Kansas Municipalities; and

WHEREAS, said Standard Traffic Ordinance prohibits the operation of golf carts, work-site utility vehicles, micro-utility trucks, and all-terrain vehicle on city streets; and

WHEREAS, the City of Osawatomie wishes to specifically allow the operation of golf carts, work-site utility vehicles, micro-utility trucks and all-terrain vehicles on city streets under certain conditions;

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

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14-601. Definitions.

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(a) “Golf Cart” means any motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(b) “Work-Site Utility Vehicle” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped

with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, has a maximum speed of 50 miles per hour and ~~may be~~ equipped with a bed or cargo box for hauling materials of no less than 36 inches in length.

(c) "Micro-Utility Truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab.

(d) "All-Terrain Vehicle (ATV)" means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this definition, non-highway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(e) "Recreational Off-Highway Vehicle (ROV)" means ~~any means any~~ worksite utility vehicle having a maximum speed over 50 miles per hour, whether or not equipped with a bed or cargo box for hauling materials.

~~(e)~~

~~(e)~~(f) "Pocket bike" means every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and on which the headlights are lower than 24 inches from the ground, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

~~(f)~~(g) "Motorized scooter" means a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

~~(g)~~(h) "Special purpose vehicle" means golf cart, work-site utility vehicle, and micro-utility vehicle ~~and all terrain vehicle~~, either individually or collectively, but does not include all-terrain vehicle, recreational off-highway vehicle, pocket bike or motorized scooter.

14-602. Operation of Special Purpose Vehicles in City Limits.

It shall be unlawful for any person to operate, or for the owner thereof knowingly to permit the operation, any special purpose vehicle, upon any street or alley within the City limits of Osawatomie, Kansas or upon any City owned or leased property within or without the City limits of the City of Osawatomie, Kansas, except as provided for in this article.

(a) Special purpose vehicles, may be operated upon the public highways, streets, roads and alleys within the corporate limits under the of the city as provided, except as follows:

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(1) No special purpose vehicle may be operated upon U.S. Highway-169, Osawatomie Road, Plum Creek Road, Old Kansas City Road, 343rd Street, 335th Street, or any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour, however, that the provisions of this subsection shall not prohibit a special purpose vehicle from crossing any public highway, street, road or alley unless otherwise prohibited by state law.

(2) No golf cart shall be operated on any public highway, street, road, or alley between sunset and sunrise.

~~(3) No all-terrain vehicle may be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motorcycles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.~~

~~(4)~~(3) No work-site utility vehicle or micro-utility truck shall be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated (K.S.A), and amendments thereto.

~~(5)~~(4) No golf cart or work-site utility vehicle with a maximum speed of 25 miles per hour or less shall be operated on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving emblem on the rear of the vehicle. Such slow moving emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

~~(6)~~(5) No micro-utility truck shall be operated on any public highway, street, road or alley unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the K.S.A., and amendments thereto.

(b) In addition to any equipment required by this ordinance, all special purpose vehicles shall be equipped with at least one rear view mirror.

(c) All special purpose vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

14-603. Operator Requirements; Owner Duties; Insurance; Penalty.

~~(a) Every person under the age of 18 shall be required to wear a helmet if operating or riding an all-terrain vehicle.~~

~~(b)~~(a) All persons are required to wear seatbelts in all special purpose vehicles if originally equipped by the manufacturer.

~~(e)~~(b) Every person operating a special purpose vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

~~(d)~~(c) No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid, unrestricted, driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

~~(e)~~(d) Every owner of a special purpose vehicle shall provide liability coverage in accordance with the most current adopted Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.

~~(f)~~(e) All provisions of the most current adopted Standard Traffic Ordinance with regards to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

14-604. Registration; Fee; Application; Inspection; Penalty.

(a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and display a valid registration decal or tag affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle.

(b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the Police Department. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number).

(c) An annual ~~one-time~~ registration fee for a special purpose vehicle shall be established by the annual fee resolution, but shall not be less than twenty-five dollars (\$25.00) and shall be for all or any part of a calendar year, with no prorated fees for a partial year.-

(d) Proof of insurance, as required in this article, shall be furnished at the time of application for registration.

(e) The registration decal or tag issued hereunder is not transferrable. In the event of sale or other transfer of ownership of a vehicle licensed under the provision of this section, the existing registration decal or tag and the right to use the numbered decal or tag shall expire, and the decal or tag shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(f) In the event a registration decal or tag is lost, stolen or destroyed, it is the responsibility of the owner and must be re-registered with a full registration fee before the special purpose vehicle may be operated on a public road.

(g) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such registration decal or tag during the time in which the same is operative.

(h) It shall be unlawful for any person to:

(1) Operate, or for the owner thereof knowingly to permit the operation, upon a public highway, street, road or alley within the corporate limits of the city a special purpose vehicle which is not registered and which does not have attached thereto and displayed thereon the registration decal or tag assigned thereto by the city.

(2) Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. ~~A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$50.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.~~

(3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

(4) Remove, conceal, alter, mark or deface the license number plate, plates or decals or any mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

(5) Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

~~(6)~~ Any person convicted of a violation of any provision of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$300.00.

(6)

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14-605 Recreational Off-Highway Vehicles, Pocket Bikes, and Motorized Scooters Prohibited.

The operation of recreational off-highway vehicles, pocket bikes, and motorized scooters on the streets, roads, alleys or public property within the corporate limits of the City of Osawatomie is prohibited, unless specifically authorized for a City sponsored event or City permitted special event.

14-606 Penalty.

Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Article 20 of the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provisions as the city may then have in effect.

14-607 Exemptions.

(a) Special purpose vehicles which are owned, leased or operated by the City or other governmental entities that are being operated for the purpose of maintaining roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the restrictions of this article, except for equipment and lighting restrictions in Section 14-602 and insurance and operator requirements in Section 14-603.

(b) Special purpose vehicles which are owned or leased by golf courses, when used for the purpose of loading and unloading of golf equipment on streets immediate adjacent to the golf course are exempt from the restrictions of Section 14-602 not related to equipment or lighting.

(b)

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Section 2. The Code of the City of Osawatomie is hereby amended to create a new Article 10 in Chapter 12 to read as follows:

ARTICLE 10. LEVEES AND DAMS

12-1001 Unlawful Uses. It shall be unlawful for any person to drive any vehicle, permit grazing of livestock, to dig or remove dirt or make any excavation, to plow, furrow, or cause ruts or tracks in or on the ground, to hunt birds or animals or to discharge firearms, to camp, to picnic, to erect signs or billboards, to interfere with or cause destruction to any fence, gate, levee and dike, or to deposit litter of any kind on land acquired by the City for levee and flood protection purposes.

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(a) **12-1002 Same; Penalty.** Any person found guilty of violating the provisions of this article shall be punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

Section 23. EXISTING ARTICLES AND SECTIONS REPEALED. Chapter 14, Article 6 in its entirety of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance are hereby repealed.

Section 43. EFFECTIVE DATE. This ordinance shall take effect and be in force from on November 1, 2015, and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 10~~th~~ day of September~~th~~, 2015.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk



Proclamation

Issued by the Mayor of Osawatomie



WHEREAS, the Miami County Medical Center Rehabilitation professionals' promise of excellence to patients is "Great Recoveries, Great People;" and

WHEREAS, Miami County Medical Center, is observing and celebrating National Rehabilitation Awareness Week to recognize those professionals whose caring, empathetic and motivating attributes help guide patients through recovery; and

WHEREAS, Miami County Medical Center rehabilitation professionals, including Physical Therapists, Physical Therapist Assistants, Occupational Therapists, Speech Language Pathologists, Certified Athletic Trainers and support staff work with citizens of all ages to provide services in the hospital, in outpatient settings, at home and at school to help restore citizens to independent, productive and fulfilling lives; and

WHEREAS, the City of Osawatomie is proud and honored to have Osawatomie Rehabilitation and Miami County Medical Center Rehabilitation Services serving the community; and

NOW, THEREFORE, I, L. Mark Govea, Mayor of the City of Osawatomie, on behalf of its citizens, do hereby proclaim the week of September 20 through September 26, 2015 as

National Rehabilitation Awareness Week

and encourage all citizens to recognize the significant contributions of rehabilitation professionals and to renew their commitment to people with disabilities and to the efforts of rehabilitative medicine to improve quality of life.

Proclaimed this 10th day of September, 2015.

L. Mark Govea, Mayor

STAFF AGENDA MEMORANDUM

DATE OF MEETING: September 10, 2015

AGENDA ITEM: **Standard Offense Code and Uniform Public Offense Code**

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: The *Standard Traffic Ordinance (STO) for Kansas Cities* and the *Uniform Public Offense Code (UPOC) for Kansas Cities* have been published by the League of Kansas Municipalities for decades. They are designed to provide a comprehensive traffic code (STO) and criminal code (UPOC) for Kansas Cities.

The STO, in large part, parallels the state traffic act, just as the UPOC parallels the state criminal code. They do not take effect in a city until the governing body has passed and published an ordinance incorporating each of them by reference. The incorporating ordinance may delete articles or sections which the governing body considers unnecessary or may change language as long as it does not conflict with state statute.

For public records purposes, there must be at least three official copies of each on file with the City Clerk. We also make sure that enforcing officers each have a copy.

COUNCIL ACTION NEEDED: Vote on the ordinances to adopt the 2015 STO and the 2015 UPOC.

STAFF RECOMMENDATION TO COUNCIL: Adopt both ordinances to incorporate the STO and the UPOC by reference.

NOTE: We intend to publish these as summaries. The summaries would read as follows:

Ordinance No. ____ Summary

On September 10, 2015, the City of Osawatomie, adopted Ordinance No. _____, which incorporates by reference the 2015 Edition of the Standard Traffic Ordinance for Kansas Cities, with two amendments related to parking on the berm; establishing the speed limit on Main Street between 15th and 18th Streets; and provisions related to proof of insurance and accidents involving death or injury, . A complete copy of this ordinance is available at

www.Osawatomieks.org or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Richard Wetzler, City Attorney.

Ordinance No. ____ Summary

On September 10, 2015, the City of Osawatomie, adopted Ordinance No. _____, which incorporates by reference the 2015 Edition of the Uniform Public Offense Code for Kansas Cities. A complete copy of this ordinance is available at www.Osawatomieks.org or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Richard Wetzler, City Attorney.

ORDINANCE NO. ____

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OSAWATOMIE, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES” EDITION OF 2015; AMENDING CHAPTER 14, ARTICLE 1, OF THE CITY OF OSAWATOMIE MUNICIPAL CODE; AND REPEALING EXISTING PROVISIONS.

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

SECTION ONE: Article 1 of Chapter 14 of the City of Osawatome Municipal Code is hereby amended to read as follows:

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Osawatome, Kansas, that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities,” Edition of 2015, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Standard Traffic Ordinance shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Osawatome,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this Ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with the enforcement of the Ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

14-102. SAME; AMENDMENTS. Section 33 of the Standard Traffic Ordinance as adopted is amended to read as follows:

Sec. 33. Maximum Speed Limits.

- (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
- (1) In any business district, 20 miles per hours;
 - (2) In any urban district, 30 miles per hour;
 - (3) On any separated multilane highway, as designated and posted by the secretary of transportation 70 miles per hour;
 - (4) On any county or township highway, 55 miles per hour; and

- (5) On all other highways, 65 miles per hour.
- (b) No person shall drive a school bus to or from school, or interschool or intra-school functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities. (K.S.A. Supp. 8-1558)
- (c) The maximum speed limits in this section may be altered as authorized in K.S.A 8-1559 and K.S.A 8-1560, and amendments thereto.
- (d) The Governing Body having determined upon the basis of a traffic investigation that the speed limits permitted under state law and Section 33 of the Standard Traffic ordinance are less than reasonable and safe on some streets and are more than reasonable and safe on other streets, and does determine and declare that the speed limit (except when a special hazard exists that requires lower speed for compliance with Section 32) on the streets hereinafter set forth be the limits specified in this section, and no person shall drive a vehicle at a speed in excess of such maximum limits:
 - (1) Speed not in excess of 20 miles per hour shall be lawful on the following streets:
 - (A) Main Street between 15th Street and 18th Street.

14-103. SAME; AMENDMENTS. Section 93 of the Standard Traffic Ordinance as adopted is amended to read as follows:

Sec. 93. Parking Disabled and Other Vehicles.

- (a) No person shall park or store any farm machinery, trailer or semi-trailer of any kind, or parts of the same, or any dead, damaged or disabled motor vehicle or farm machinery, trailer or semi-trailer of any kind, in the roadway of any highway, or between the property line or sidewalk and the curb line of any street. No person shall park or store any operable motor vehicle between the property line or sidewalk and the curb line of any street except on a designated driveway.
- (b) A person shall not use the public highway to abandon vehicles or use the highway to leave vehicles unattended in such a manner as to interfere with public highway operations. When a person leaves a motor vehicle on a public highway or other property open to use by the public, the city having jurisdiction of such highway or other property open to use by the public, after 48 hours or when the motor vehicle interferes with public highway operations, may remove and impound the motor vehicle. (K.S.A. 8-1102)

14-104. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

- (a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a

statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.

- (b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses. (Ord. 3632, Sec. 5; Code 2008)

14-105. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense shall be established by the Municipal Judge. (Code 2008)

14-106. AMENDMENTS. Section 23 of the Standard Traffic Ordinance as adopted is amended to read as follows:

Sec. 23. Accident Involving Death or Personal Injuries; Penalties.

- (a) The driver of any vehicle involved in an accident resulting in injury to, great bodily harm to or death of any person or damage to any attended vehicle or property shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of Section 25.
- (b) A person who violates subsection (a) when an accident results in:
 - (1) Total property damages of less than \$1,000 shall be punished as provided in Section 201.
 - (2) Injury to any person or total property damages in excess of \$1,000 or more shall be punished by imprisonment for not more than one year or by a fine of not more than \$2,500, or by both such fine and imprisonment.
- (c) The driver shall comply with the provisions of section 26.1. (K.S.A. Supp. 8-1602)

14-107. AMENDMENTS. Section 200 of the Standard Traffic Ordinance as adopted is amended to read as follows:

Sec. 200. Motor Vehicle Liability Insurance.

- (a) Every owner shall provide motor vehicle liability insurance coverage in accordance with the provisions of the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, for every motor vehicle owned by such person, unless such motor vehicle:
 - (1) Is included under an approved self-insurance plan as provided in K.S.A. 40-3104(f);
 - (2) is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle liability insurance coverage is provided by the school district or accredited nonpublic school;
 - (3) is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form

- prescribed in subsection (b) of K.S.A. 40-3106, and amendments thereto, has been filed; or
- (4) is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
 - (b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
 - (c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
 - (d)
 - (1) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall transmit a copy of the insurance verification form prescribed by the secretary of revenue with the copy of the citation transmitted to court.
 - (2) No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.
 - (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any other type of portable electronic

device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle, and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance.

- (f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$300 nor more than \$1,000 or by imprisonment for a term of not more than six months, or both such fine and imprisonment, except that any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not less than \$800 nor more than \$2,500 or by imprisonment for a term not to exceed one year, or both such fine and imprisonment. (K.S.A. Supp. 40-3104)

SECTION THREE: EXISTING SECTION REPEALED. Chapter 14, Article 1 of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance is hereby repealed.

SECTION FOUR: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City Newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 10th day of September, 2015.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Ann Elmquist, City Clerk

ORDINANCE NO. _____

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OSAWATOMIE, KANSAS; INCORPORATING BY REFERENCE THE “**UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES**” EDITION OF 2015; AMENDING AND REPEALING CHAPTER 11, ARTICLE 2, SECTION 201 OF THE CITY OF OSAWATOMIE MUNICIPAL CODE; AND REPEALING EXISTING PROVISIONS.

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

SECTION ONE: CODE AMENDED. Section 11-201 of the City of Osawatomie Municipal Code is hereby amended to read as follows:

11-201. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Osawatomie, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2015, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Osawatomie, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION TWO: EXISTING SECTION OF CODE REPEALED. Chapter 11, Article 2, Section 201 of the City of Osawatomie Municipal Code as adopted prior to the passage of this Ordinance is hereby repealed.

SECTION THREE: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official City Newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 10th day of September, 2015.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Ann Elmquist, City Clerk

CONTRACT FOR SERVICES

THIS AGREEMENT, MADE AND ENTERED INTO THIS 27th DAY OF August, 2015, between THE CITY OF OSAWATOMIE, KANSAS, and GOVERNMENTAL ASSISTANCE SERVICES, 905 JOSEPH DRIVE, LAWRENCE, KANSAS 66049.

WHEREAS, THE CITY OF OSAWATOMIE, KANSAS hereby retains GOVERNMENTAL ASSISTANCE SERVICES for the preparation of a 2016 Community Development Block Grant through the Kansas Department of Commerce.

WHEREAS, the purpose of this contract is to provide THE CITY OF OSAWATOMIE a COMMUNITY DEVELOPMENT BLOCK GRANT for a Street Improvements Project.

THEREFORE, the parties agree as follows:

1. GOVERNMENTAL ASSISTANCE SERVICES agrees to perform the following services, to-wit:
 - (A) Submit Grant Application in accordance within the rules and regulations set forth by each State and Federal agency involved;
 - (B) If it should occur that the STREET GRANT is not awarded for 2016, GOVERNMENTAL ASSISTANCE SERVICES will resubmit the GRANT APPLICATION until awarded. No charges for additional submission will be incurred.
 - (C) THE CITY OF OSAWATOMIE, KANSAS will be responsible for payment of public hearing costs.
2. In exchange for performance of above said services, related to the preparation and submission of said Grant Application, THE CITY OF OSAWATOMIE, KANSAS shall authorize payment, as an allowable cost, to GOVERNMENTAL ASSISTANCE SERVICES, to-wit:
 - (A) Payment of \$8,950.00 due upon signing of this contract.

IN WITNESS WHEREOF, the parties hereto have signed their names the day, month and year mentioned above.

Mayor
City of Osawatomie, Kansas

D. Garrett Nordstrom
Governmental Assistance Services



MEMORANDUM

To: Mayor and City Council

From: Don Cawby, City Manager

Re: **Projects & Issues Update**

Date: September 10, 2015

Projects

Main Street. Water Line Project Schedule (1st to 5th) is attached.

Shelter House. Legacy Construction began work on the Shelter House today.

Issues

Recodification. We are still working on the draft of ordinances, and I hope to have time to get through the document by mid-October. At that point, we will bring you a summary of the changes and do a work-session type review of those items.

Election Change. We will hear more about the election change options at the LKM meeting in October. I will expect that we will need to address the issue sometime in late October or early November. However, I have heard that LKM and the Secretary of State have a difference of opinion on when the election change will actually occur.

Upcoming Meetings/Dates

Sept 19-20	Freedom Festival
Sep 24	City Council Meeting?
Oct 8	City Council Meeting
Oct 10-12	LKM Annual Meeting – Topeka
Oct 23-24	Border War BBQ

Project Information Sheet

Water Line Replacement Project

Main Street between 1st Street and 5th Street

Contractor: Nowak Construction Company, Inc., Goddard, Kansas

Overview: The new PVC water line will replace the antiquated cast iron water line and generally be located between the curb and sidewalk on either side of the street. With the anticipated reconstruction/rehabilitation of Main Street in these stretches, relocating the water line out from beneath the pavement will allow future repairs or connections to be done without requiring the removal of the new street pavement.

Nowak will be using directional boring to install the new line. Directional boring, also called horizontal directional drilling or HDD, is a steerable, trenchless method of installing underground pipes with minimal impact on the surrounding area. The use of directional boring allows for less traffic disruption and the preservation of trees along the street. Furthermore, it does not require the closing of a majority of driveways.

While directional boring has a limited impact, it will still be necessary for the contractor to locate other underground utilities to ensure that they are not damaged by the boring. Nowak will accomplish this through a practice known as vacuum excavation, or potholing. In addition, once the water line has been installed, it will be necessary to excavate at numerous locations along the line to connect the existing water service lines leading to each residence.

- Impacts:**
- Motorists should expect lane closures and lane shifts.
 - Pedestrians should expect sidewalk detours.
 - Residents within the extents of the project will experience planned water service outages during connection of the new water line to the existing system and when we switch customer’s meters from the old line to the new line. Notification of any outage and its anticipated duration will be delivered at least 24 hours in advance.

Anticipated Work Schedule	
Week of	Activity
September 8	Install water line between 1st Street and 3rd Street.
September 14	Install water line between 3rd Street and 5th Street.
September 21	Connect water line to existing system and connect service lines between 1st Street and 3rd Street.
September 28	Connect water line to existing system and connect service lines between 3rd Street and 4th Street.
October 5	Connect water line to existing system and connect service lines between 4th Street and 5th Street.
October 12	Connect any remaining service lines.
October 19	Preform all restoration items.

Contact: If you have any questions or concerns about this project, both now and during construction, please contact:

Blake Madden
 Director of Public Works and Utilities
 913-755-4525, ext. 230
bmadden@osawatomiaks.org

Johnny Rayl
 Public Works and Utilities Crew Leader
 913-755-4525, ext. 233
jrayl@osawatomiaks.org