

OSAWATOMIE CITY COUNCIL

***REVISED* AGENDA**

September 11, 2014

6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Invocation – Marti McDougal, Osawatomie United Methodist Church
5. Consent Agenda
 - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action*
 - A. Approve September 11 Agenda
 - B. Approve Minutes of August 14 and August 28 Council Meetings
 - C. Approve Appropriation Ordinance 2014-8
 - D. Approve WWTP Improvements Project Pay App 3
6. Presentations; Comments from the Public
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
 - A. Marti McDougal
7. Public Hearing – None
8. Unfinished Business
 - A. ***Resolution – Set Hearing for Condemnations***
 - B.
9. New Business
 - A. Appointments – None
 - B. Proclamation – Constitution Week
 - C. Proclamation – Rehab Week
 - D. Consideration of Council Vacancy
 - E. Consider Recommendation on Rezoning 412 Brown from R-1 to R-2
 - F. Consider Recommendation on Rezoning 400 Block of Brown from R-1 to R-2
 - G.
10. Council Reports
11. Mayor’s Report
12. City Manager’s Report
13. Executive Session(s)
14. Other Discussion/Motions
15. Adjournment

REGULAR MEETING – September 25, 2014

REGULAR MEETING – October 9, 2014

Osawatomie, Kansas. **August 14, 2014.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:31 p.m. Council members present were Dickinson, Farley, Hunter, LaDuex, Maichel and Walmann. Absent was Hampson Also present were City Manager Cawby, City Attorney Wetzler and Acting Secretary Janine Sullivan. Visitors were Reverend Norlita Kaul, Andrew Belt, Brian Kingsley, Sam Johnson and Colleen Truelson.

INVOCATION. Reverend Norlita Kaul, First Presbyterian Church delivered the invocation.

CONSENT AGENDA. Approval of August 14 Agenda, approval of the minutes of July 10 and July 17 Council Meetings, approval of Appropriation Ordinance 2014-7 and approval of WWTP Improvements Project Pay App 2. Motion made by Hunter, seconded by LaDuex to approve the Consent Agenda as presented. Yeas: All.

Presentations, Comments from the Public:

Reverend Norlita Kaul said she has been pastor at the Presbyterian for about 6 months. The church has been assisting the Methodist Church and the Ministerial Alliance with the Summer Feeding and Kids program. Invited everyone to come to the Freedom Festival's outdoor worship service September 21 being held by the Presbyterian Church.

Public Hearings: none

Unfinished Business:

WASTE WATER TREATMENT PLANT PROJECT – CHANGE ORDER NO. 1. The change is for the additional cost of CMU block color for \$1,122.78. The contract price is now \$627,122.78. Motion made by Hunter, seconded by Dickinson to approve Change Order No. 1 increasing the contract \$1,122.78. Yeas: All.

New Business:

APPOINTMENTS – none

ACCEPT COUNCIL MEMBER CRISTINA RAMIREZ'S RESIGNATION. City Manager Cawby wanted to make the Council aware that her resignation was not necessary. In this case, she was no longer eligible when she moved her residence out of the ward.

2015 MAIN STREET IMPROVEMENTS PROJECT – BRIAN KINGSLEY. Kingsley presented three estimates of probable project costs for improving Main Street, 1st Street to 5th Street.

mill existing pavement 2" and overlay with 4" – \$970,848
reconstruct pavement with 9" asphalt on 8" crushed stone base – \$1,373,320 recommended
reconstruct pavement with 7" of concrete pavement on 6" crushed stone subgrade – \$1,460,520

2015 MAIN STREET IMPROVEMENTS ENGINEERING AGREEMENT WITH BG CONSULTANTS. The contract for the Main Street improvements, 1st to 5th is \$179,255.

Engineering Administration	\$28,700
Design Services	\$78,835
Construction Observation	\$71,720

Motion made by Maichel, seconded by LaDuex to approve the 2015 Main Street Improvements engineering agreement with BG Consultants for an amount not to exceed \$179,225 subject to review by the City Attorney. Yeas: All.

WWTP OPTIMIZATION ENGINEERING AGREEMENT WITH BG CONSULTANTS, ADDENDUM 4. This addendum to the 2012 WWTP Improvements contract is for services to include evaluation and optimization recommendations for the plant. This additional scope of work is \$36,500

bringing the total engineering contract to \$245,396. Motion made by Hunter, seconded by LaDuex to approve WWTP Addendum 4. Yeas: All.

WEST LIFT STATION ENGINEERING AGREEMENT WITH BG CONSULTANTS, ADDENDUM 5. The addendum would provide design and construction observation services for the West Lift Station Improvements. This additional scope of work is \$77,220 bringing the contract to \$322,616. Tabled.

ORDINANCE DESIGNATING MAIN TRAFFICWAYS AND TRAFFICWAY CONNECTORS. The Ordinance combines all previous ordinances designating main trafficway and trafficway connectors and adds Main Street, 1st Street to 5th Street and 7th Street to 12th Street as main trafficways. Motion made by Hunter, seconded by Maichel. Yeas: All. The Ordinance was assigned No. 3719

ORDINANCE AUTHORIZING ISSUANCE OF BONDS FOR STREET IMPROVEMENTS – MAIN STREET, 1ST – 5TH. The Ordinance authorizes improvements to Main Street, 1st to 5th and 7th to 12th and issuance of bonds to pay a portion of the costs. The Ordinance also amends Ordinance No. 3712, Section 2 increasing the estimated costs of the Public Building Project improvements from \$600,000 to \$650,00 and authorizing the issuance of \$650,000 in bonds. Motion made by Maichel, seconded by LaDuex to authorize the issuance of \$650,000 in bonds. Yeas: All. The Ordinance was assigned No. 3720.

RESOLUTION AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES. The Resolution authorizes the issuance of temporary notes of \$700,000 to refinance notes to pay a portion of the cost of constructing certain public buildings and financing portion of the Main Street improvements. Motion made by LaDuex, seconded by Dickinson to authorize the issuance of \$700,000 in bonds. Yeas: All. The Resolution was assigned No. 684.

APPROVE PURCHASE OF VEHICLE. Three vehicles were found at the State and Federal Surplus. Staff is satisfied with the quality and the price and believe they would be good purchases.

2006 Chevy Colorado 2WD, Reg Cab	28,571 Miles	\$9,500
2007 Ford Ranger XI 2WD, Reg Cab	34,986 Miles	\$9,800
2007 Dodge Durango Sxt 4x4, 7 passenger	63,484 Miles	\$11,500

They would be purchased out of the CIP Fund which has \$30,000 budgeted for vehicles every year. The total for these vehicles would be \$30,800. The plan is to use the Durango for the Public Works & Utilities Director, one of the smaller vehicles for the Codes Officer/Meter Reader, and the third to replace one of the existing smaller trucks or to be used for the Building Official, depending on what changes are made in animal control. Motion made by Hunter, seconded by Dickinson to improve the purchase of the three vehicles. Yeas: All.

Council Reports:

LaDuex: In a nearly unprecedented decision the Kansas Historical Society and the Kansas Anthropology Association have agreed to come back and continue their excavation and exploration of the Adair Homestead. Will be here September 12-15.

Hunter: As of yesterday he and his wife had 10 great granddaughters.

Maichel: The Graphic approached her and someone had slipped this note under the Graphic's door about delinquent taxes that she owes. They had paid off their house and thought the taxes were rolling over into the account. Wanted to explain she will be taking care of it tomorrow.

Mayor's Report:

Went to a public officers and employees policy meeting at the League. The committee did agree to move to the front of their agenda the open carry to allow cities to have more authority over it. Also moved up the change of the election dates and the partisan issue.

Will be sending out a review form to complete for the City Manager's review.

City Manager's Report:

Contacted by taxi service operator and wanted to know if there were any rules or regulations on operating a taxi in town.

Received a big price from JCI on a new water pump at the plant. Having some water pump problems which may be at the intake.

The Dept of Agriculture wanted the City to replace the current water meter and he told them no. The deadline has been extended to October. Now there will be time to get with the elected official about the State requiring certain makes of water meters.

EXECUTIVE SESSION: none

OTHER DISCUSSION/MOTIONS: none

Motion made at 8:30 p.m. by Hunter, seconded by Maichel to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Osawatomie, Kansas. **August 28, 2014.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:31 p.m. Council members present were Dickinson, Farley, Hampson, Hunter, LaDuex, Maichel, Ramirez and Walmann. Also present were City Manager Cawby and City Attorney Wetzler. Visitors were Joe Bell, Phil Dudley, Railene Ahring, Blake Madden and Colleen Truelsen.

INVOCATION. Pastor Joe Bell, Church of the Nazarene, delivered the invocation.

CONSENT AGENDA. Approval of the August 28 Agenda and approval of the July 24 and July 31 Council meetings. Motion made by Hunter, seconded by LaDuex to approve the Consent Agenda. Yeas: All.

Presentations, Comments from the Public:

Pastor Joe Bell said the church has set a goal that for every hour they teach and train in the church they will spend an hour out in the community impacting the lives of individuals in the church's sphere of influence. The church is raising funds for the Kudjip Nazarene Hospital in Papua, New Guinea. *Grants have put been put together where* for every \$1,000 raised the hospital will receive \$22,000 in support for housing and water for the doctors.

City Clerk Elmquist arrived at 6:40 p.m.

Railene Ahring spoke with the Council several months ago that she was opening Sunflower Substance Abuse Recovery Services in town. She will be opening her doors September 3. Has a lot of help from the community on getting this up and going. Her main focus will be adolescents.

Phil Dudley, 1536 Pacific Court, thanked the Council for the infrastructure improvements. In the past when the streets lights were out, the Police Department would let the front office know. Garage sale signs are showing up on poles again which is against the code.

Public Comment: none

Public Hearings:

HEARING ON 2014 REVISED BUDGET, 2015 PROPOSED BUDGET, AND 2015-2019 CIP BUDGET. Mayor Govea opened the meeting at 6:45 p.m. Dudley said he was concerned about the increase of the mill levy of 3.6. Talked to Mayor Govea and City Manager Cawby about the delinquent taxes in the newspaper. Three of the pages were Osawatomie properties. The County should be proactive. The City's delinquency rate is over 7%. Hearing closed at 6:55 p.m.

Unfinished Business:

ADOPT PROPOSED 2015 BUDGET. Adopting the 2015 budget is also adopting the 2014 revised numbers. Motion made by Hunter, seconded by LaDuex to adopt the 2015 budget as presented. Yeas: Dickinson, Farley, Hampson, Hunter, LaDuex, and Maichel. **Nay: Walmann.** Motion passed.

ADOPT PROPOSED 2014-2019 CAPITAL IMPROVEMENTS PROGRAM (CIP). Maichel made a motion to move the \$12,000 to construct a bathroom at the back of the golf course to 2016. Motion died for lack of a second. Motion made by LaDuex, seconded by Farley to approve the CIP as presented. Yeas: All.

COPY OF VOTE PUBLICATION FORMAT. The State now requires a city to publish the vote of the governing body for approval of the budget. This legal notice has to be published in the county's official newspaper, not the city's. The resolution to increase the mill levy is no longer required. Motion made by LaDuex, seconded by Hunter to approve using the second sample of the Notice of Vote which states the vote as well as the total property tax levied. Yeas: All.

New Business:

APPOINTMENTS:

LKM Voting Delegates	Maichel & Mayor Govea
Alternates	Dickinson & City Manager Cawby

Motion made by LaDuex, seconded by Hunter to accept the appointments. Yeas: All.

ALL FOR YOU COMMUNITY EVENT SEPTEMBER 13. This year they are changing the display discharge area to the John Brown *Jamboree concert area*, the south side of Parker Avenue when entering the park. Motion made by Maichel, seconded by Hampson to accept the application for the All For You community event. Yeas: All

2014 AUDIT ENGAGEMENT SELECTION. The fee for Jarred, Gilmore & Phillips to perform services for the 2014 audit is for an amount not to exceed \$8,650. Motion made by LaDuex, seconded by Hunter to approve the agreement with Jarred, Gilmore & Phillips for \$8,650. Yeas: All.

INTRODUCTION OF NEW PUBLIC WORKS & UTILITIES DIRECTOR. City Manager Cawby introduced Blake Madden. He comes here from Affinis Corporation, a small civil engineering firm in Overland Park. He began as a construction observer on a section of the levee system on the Missouri River. He's laid water lines, sanitary lines and stormwater lines. The company paid for him to get his engineering degree. Madden's worked as a project engineer for levee design and inspection, transportation design and traffic engineering, site development and other areas. Affinis works with the Army Corps of Engineers to perform their levee inspections and he has done many of them. His family moved to Osawatomie about 18 months ago. He saw there were committee openings and was appointed to several of them. The City Manager learned of his background which led them to talking about things that needed to be done.

CRACK SEALING MACHINE. Public Works & Utilities Director Madden said the machine uses propane and pressure can build up in the tank. Sometimes it blows out the back doors where everyone is working and it blows out very hot air. Someone is going to get hurt or burnt. For a good new crack sealer the cost is about \$40,000. The City of Ottawa brought one over and it was nice and real fast. Discussed with City Manager Cawby and Interim Public Works & Utilities Director Andy Haney that chip sealing shouldn't be done at all. Everything should be crack sealed because it protects the street base more than anything. City Manager Cawby said that priority wise, the first thing that has to be done whether chip seal is done or not is to crack seal the street. Staff will be putting together a real pavement management system. The one estimate was provided to the Council to see how they wanted to proceed. Director Madden explained that on a new street cracks will eventually form and the easiest way to protect that pavement is to crack seal it. This is necessary not to keep the water out but to blow out the incompressible stones and rocks. They wedge themselves into the street, exerting force outward. Then more incompressible material works in and keeps pushing away the pavement. When there is new pavement it has got to be maintained.

Council Reports:

Hunter: On the east wall of the History Museum the stucco has been cracking. When it was being removed, soft bricks were found. During the time it is being repaired the Museum will be closed. The Railroad Museum will stay open so it will not affect the Chamber of Commerce.

Hampson: Attended the Parks & Recreation Committee meeting. A new baseball league was started this year getting out of Babe Ruth Cal Ripken. It went pretty well but it was almost too many towns and too many teams so management was tough. Next year looking at going with just Osawatomie, Paola, Louisburg and Osawatomie. Flag football and outdoor soccer numbers are down so they are looking at other programs to offer to draw in more participation.

Maichel: Public Safety Committee wanted to see stop signs at 1st and Brown to make it a four-way stop. There was concern about whether stop signs are permitted through a thoroughfare. They also wanted no parking on the north side of 4th and Brown because it makes it hard for the school buses to turn. A question was asked about the signs being taken down around Swenson Early Childhood Education Center since it has been closed. City Manager Cawby said they are being left up because there are still buses loading children using the one-way street in front of Swenson. City Manager Cawby said the stop signs on Pacific will remain and will look into the stops signs at Brown and 10th. Rules need to be established for stop signs and other signage.

Mayor's Report: none

City Manager's Report:

Projects:

Sewer Plant. A buyer has been found for the rotary drum thickener and should be able to at least a \$1,000 for it.

Main Street. The County received a \$1 million grant and is putting together the funding to renovate the Mill Street Bridge. The County will have the renewal of the \$.25 sales tax on the November ballot. This would bring \$500,000 to each of the four larger cities over the life of the sales tax with it to be used for road projects.

Lake Shelter House. After removing the roof, structural engineer Gabe Pfefferkorn looked at the structure. He will make recommendations for the shelter, but expressed concerns over leaving the chimney as they are. To fill the chimney with mortar would be approximately \$5,000 or \$10,000 to line them and make them functional. Also, asked the Council to think about naming the shelter the Rotary Shelter House and the City would then put on a blue roof. It would be good to provide some ownership of the project.

Issues:

Properties. At the tax sale on August 19 two more properties were purchased. The two properties purchased were: (1) the east half of the former Indian Ridge Apartments, at 101 Happy Place; and (2) the northern most parcel of the Matney Estates, which is adjacent to the property purchased at the tax sale on E. Walnut last year. City Manager Cawby will have staff work up a plan to re-grade the property and to establish proper drainage ways, as well as look at how the property could be best used. The properties were purchased for \$300 each.

Public Safety Committee. Crosswalks do not need to go to the the Council. Ultimately one was put in at 12th and Main. That intersection is going to be reconstructed with the Main Street Improvements Project. The issues of the stops signs and no parking signs may have to be brought to the Council.

Planning Commission. As a result of a rezoning request, the Planning Commission has come to a consensus that the community needs to revisit the zoning map. Staff has recommended that in order to appropriately redraw a map, there needs to be some guiding comprehensive planning principles established for developing this map. It is suggested that the City undergo a comprehensive planning process to update the 1998 plan and also to provide that guidance in updating the map. Staff suggests a task force made up of about 10-15 members representing a broad range of groups within the community. If the Council is in agreement, suggested that the Council form a subcommittee to help put this group together and make sure the diversity of the community is well represented.

Old Street Sweeper. Staff will be listing the old sweeper on auction sites, as there may be some interest in the sweeper for parts.

Rail-to-Trails. Waiting on the final agreement with the deadline at the end of November. When the City receives that agreement, he will then get with the trail group.

Mayor Govea said the county's next intergovernmental breakfast will be October 7. The City will be hosting it.

Motion made at 8:06 p.m. by Hunter, seconded by Dickinson to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 2014-08

DATE WARRANTS ISSUED:
August 31, 2014

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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	WAPA Hydro Electricity	1501	12,375.41
KMEA	GRDA Electricity	1502	118,052.39
KMEA	SPA Hydro Electricity	1503	3,155.34
City of Osawatomie	Petty Cash Reimbursement	1504	3,652.46
CenturyLink	Services	44215	2,026.85
CenturyLink	Long Distance	44216	289.62
Crawford Sales Company	Budweiser	44217	296.25
Midwest Distributors	Miller	44218	160.00
Allenbrand-Drews & Associates, Inc.	Stake Lot, Locate Easement	44219	860.00
AT&T	RTU'S	44220	221.96
Beachner Grain, Inc.	Glyphosate, Fertilizer	44221	834.05
Brewer's Automotive Repair	Tires, Tubes	44222	869.51
C&G Merchants Supply, Inc.	Chips, Candy, Cups, Lids, Plates	44223	371.90
City of Osawatomie	Utilities	44224	11,952.93
Coleman Equipment, Inc.	Spacer	44225	11.73
Croft Trailer Supply, Inc.	Bar for Lift Gate	44226	41.55
Family Center	Trimmer Line, Concrete Mix, Rope	44227	617.31
Fastenal	18 V Hammer/Impact Driver, Cooler	44228	328.03
Feld Fire	Boots	44229	741.00
Richard Fisher, Jr.	Attorney Fees	44230	675.00
Foley Industries	Lever	44231	327.28
Jennifer Haeefe	Contractual For Library	44232	190.00
Hanes Florist & Greenhouse	Flowers	44233	45.00
HD Supply Waterworks	100 Gallon Watermeters, Ring Import	44234	3,179.36
Holliday Sand and Gravel Co.	Asphalt Sand	44235	139.20
John Deere Financial	Mower Blade, Wheel Kits, V-Belt	44236	203.79
John Deere Landscapes	Lescoflo Ultra, Green Flo	44237	1,002.35
Kansas City Wilbert	Grave Openings	44238	2,180.50
Kansa Department of Commerce	JTC Oil Lease-Sept. 2014	44239	1,000.00
Kansas Department of Revenue	Water Protection & Clean Water	44240	1,550.19
Kansas One Call	Locates	44241	49.20
Kincaid Ready Mix	Concrete	44242	382.88
Kansas State Firefighters Assoc.	Dues & Membership	44243	536.00
Lybarger Oil	Fuel	44244	10,829.16
Martin, Pringle, Oliver, Wallace & Bauer	City Prosecutor, Municipal Matters	44245	5,252.80
Miami County Sheriff's Office	Prisoner Care	44246	3,234.08
Miami Lumber, Inc.	Lumber, Washers, Lag Screws	44247	456.48
Moon's IGA	Cleaning Supplies, Hamburger, Water	44248	417.57
My-Lor, Inc.	Aluminum ID Tags	44249	89.75
Navrat's Office Products	Laser Checks, Copy Paper, Ink	44250	1,143.55

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Olathe Medical Services, Inc.	Employee Physicals	44251	129.00
Olathe Winwater Works Co.	Repair Clamp	44252	368.00
Pace Analytical	Analytical Services	44253	50.00
Pat's Signs	Business Cards	44254	114.00
Quill	Metal Detector, Pens, Rubber Bands	44255	214.62
R&J Trucking	Topsoil	44256	150.00
Red Bud Supply, Inc.	Safety Glasses	44257	113.86
Redwood Toxicology Laboratory, Inc.	Drug Testing Supplies	44258	158.25
RMI Gold Carts	Drive Clutch, Gaskets	44259	545.22
Roman Outdoor Power	Seal, Bearing	44260	48.60
Rural Water District #1	Services	44261	205.16
Smitty's Lawn & Garden	Voltage Regulator, Pulley Idler, Coil	44262	203.19
Suddenlink	Internet	44263	449.75
Tri County Ice Co., Inc.	Timer for Water Meter	44264	370.00
Elizabeth Trigg	Petty Cash Reimbursement	44265	75.29
Van Wall Equipment	Sharpened Reels & Bed Knives	44266	1,098.35
Visa	Router, Postage, Lodging, Fuel	44267	1,044.31
Winkler, Domoney & Schultz	Municipal Court Judge	44268	2,060.00
Winterscheid Auto Parts	Spark Plugs, Brake Pads, Adapters	44269	-
Wycoff's Locksmithing	Lock	44270	114.34
Winterscheid Auto Parts	Spark Plugs, Brake Pads, Adapters	44271	1,037.56
Deborah Devine	KS Quilt Workshop	44272	300.00
ABA Pump Supply	Bar screen Alarm, Check UV Light	44273	535.00
Ace Pest Control, LLC	Pest Control	44274	475.00
Atco International	Pop Up Swipes	44275	122.50
Auten Pharmacy	Peroxide	44276	1.17
Baker & Taylor	Books	44277	984.38
Bollings Bargain	Pliers, Screws, Ear Plugs, Zip Ties	44278	65.35
Bradley A/C & Heating	Replaced Belt & Filters	44279	115.02
Brenntag Mid-South, Inc.	Muriatic Acid, Alum Ground, Robinfloc	44280	17,634.07
Dish Network	Services	44281	100.12
Easton Sod	Bermuda Sod	44282	224.00
Emg, Inc.	Energy Consulting	44283	1,804.00
Environmental Compliance Solutions	Audit & Consultation Retainer	44284	815.00
Gallagher Benefit Services, Inc.	Administration Fee	44285	372.00
Hometown Electric & Construction	Repair Electric - 1631 Main St. Terr	44286	878.09
Jay's Uniforms	Shirts	44287	89.94
L&K Services	Refuse, Yard Waste, Trash Stickers	44288	32,965.34
League of Kansas Municipalities	LKM Fall Conference Registration	44289	500.00
Logan Contractors Supply, Inc.	60 GR Blk	44290	52.43
Madden Rental	Portable Toilet Rental	44291	915.00
Midland Contractors, Inc.	WWTP Imp. - Application #2	44292	53,931.61
ODB Company	Hex Nut Elgin	44293	300.00
Oil Patch Pump & Supply	Nipples, Ridgid Wrench Pipes, Plug	44294	269.10
Osawatomie Chamber of Commerce	Appropriation	44295	10,000.00

Record of Ordinances

DATE WARRANTS ISSUED:
August 31, 2014

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Osawatomie Pet Clinic	Examination & Boarding	44296	61.00
PUD, LLC	NU Chain	44297	293.79
Sherwin Williams	White Highway Striping	44298	213.12
Suddenlink Communications	Internet	44299	73.56
USA Blue Book	Clamps, Hearing Protection, Flashlight	44300	158.73
Visa	Ink, Video Games, Scentsy	44301	690.48
KMEA	Nearman Electricity	1505	37,048.65
KMEA	EMP Electric Transmission	1506	19,315.14
Miami County Treasurer	Land Purchase	1507	632.00
City of Osawatomie	Petty Cash Reimbursement	1508	4,229.93
Crawford Sales Company	Budweiser	44302	640.85
Midwest Distributors	Miller	44303	520.00
Board of Tax Appeals	Requesting Tax Exempt Status	44304	-
Road Runner Inn	Lodging	44305	900.00
BG Consultants	Consulting Services	44306	19,648.75
CenturyLink	RTU'S	44307	236.56
Computer & More, LLC	Computer, Battery Back Up	44308	1,249.89
Dennis Fenoughty	Mowing Delinquent Properties	44309	730.00
Grainger	Swing Bolt, Batteries, Gloves	44310	180.27
Hach Company	Fluoride Reagent, Chlorine Reagent	44311	405.82
Kansas City Power & Light	Services	44312	2,432.92
Kansas Gas Service	Services	44313	453.44
KC Bobcat	Filters	44314	99.81
Key Equipment	Spring, Rubber Flap, Broom Cover	44315	1,038.43
Killough Construction, Inc.	Asphalt	44316	757.50
Kriz Davis Co.	Wire, Quazite Stackable Boxes	44317	4,422.25
Miami County Health Department	Hepatitis B	44318	55.00
Miami County Road & Bridge Dept.	Bridge Planks	44319	425.00
Miami County Solid Waste Dept.	Refuse	44320	23.00
MRWAD #2	Water Assurance	44321	10,197.43
NPG Newspapers	Budget Hearing, Treasurer's Quarterly	44322	522.56
Pace Analytical	Analytical Services	44323	652.00
Reflective Group	Services	44324	168.23
Ricoh	Copier Lease-PD	44325	183.90
Ricoh	Copier Lease	44326	280.78
Ricoh	Copies	44327	278.94
Scott Michie Planning Services	Consulting Services	44328	896.95
Sidener Environmental Services	Cover	44329	98.41
Suddenlink Communications	Internet	44330	59.95
Superior Lamp	Bulbs	44331	838.34
Thomas Outdoor Advertising, Inc.	Billboard Rental	44332	540.00
Brad Waggoner	Proshop	44333	401.80
Kansas State Treasurer	Bond Principal & Interest	1509	1,087,368.24
Kansas Department of Revenue	Sales Tax	1510	12,116.30
Kansas Department of Revenue	Compensating Use Tax	1511	98.25

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA Document G702

TO OWNER: City of Osawatomie, Kansas
 P.O. Box 37
 439 Main Street
 Osawatomie, Kansas 66064

PROJECT: Wastewater Treatment Facility Imps.
 Osawatomie, Kansas

APPLICATION NO.: 3
 PERIOD TO: 8/31/2014
 PROJECT NOS.: 2014-058
 CONTRACT DATE: 4/24/2014

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

FROM: Midland Contractors, Inc.
 835 NE Hwy 24
 Topeka, Kansas 66608

VIA ARCHITECT: BG Consultants, Inc.
 4806 Vue Du Lac Place
 Manhattan, Kansas 66503

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM..... \$626,000.00
2. Net change by Change Orders..... \$1,858.51
3. CONTRACT SUM TO DATE (Line 1 ± 2)..... \$627,858.51
4. TOTAL COMPLETED & STORED TO DATE..... \$251,302.92
 (Column G on G703)
5. RETAINAGE:
 - a. 5 % of Completed Work \$10,676.15
 (Columns D + E on G703)
 - b. 5 % of Stored Material \$1,889.00
 (Column F on G703)
 Total retainage (Line 5a + 5b or Total in Column I of G703)..... \$12,565.15
6. TOTAL EARNED LESS RETAINAGE..... \$238,737.77
 (Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT
 (Line 6 from prior Certificate)..... \$92,833.82
8. CURRENT PAYMENT DUE..... \$145,903.95
9. BALANCE TO FINISH, INCLUDING RETAINAGE
 (Line 3 less Line 6)..... \$389,120.74

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

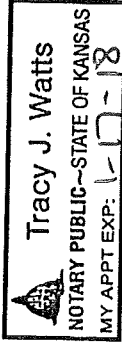
CONTRACTOR: **MIDLAND CONTRACTORS, INC.**

By: *[Signature]* Date: 8-27-14

State of: Kansas
 County of: Shawnee

Subscribed and sworn to before me this 27th day of August, 2014

Notary Public: *Tracy J. Watts*
 My Commission expires: 1-17-18



APPROVALS

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$1,858.51	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$1,858.51	

City of Osawatomie Kansas

Date

[Signature]
 BG Consultants, Inc.

9-9-14

Date

RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS, AT WHICH THE OWNERS, THE OWNERS' AGENT, ANY LIENHOLDERS OF RECORD, AND ANY OCCUPANT AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID CITY AND DESCRIBED HEREIN MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED IN THE CASE OF UNSAFE OR DANGEROUS STRUCTURES.

WHEREAS, the enforcing officer of the City of Osawatome, Kansas, did on the 11th day of September, 2014, file with the Governing Body of said City, a statement in writing that the structures hereinafter described, are either abandoned, or unsafe and dangerous.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS, as follows:

That a hearing will be held on the 13th day of November, 2014, before the Governing Body of the City at 6:30 p.m., at Memorial Hall, 411 11th Street, Osawatome, Kansas at which the owners, the owners' agents, any lienholders of record, any occupants and other parties in interest, as that term is defined by law, of the following described structures:

1. Lot 6, and the East Half or Lot 5, in Block 2, or Martin's Re-Survey Addition to the City of Osawatome as per recorded plat of said addition, except a strip of ground beginning 55 feet West of the Southeast corner of Lot 6, thence Northerly 5½ feet, thence East 27½ feet to a point on the South line of Lot 6, thence to the place of beginning. Also a triangular strip of ground beginning at a point at the Southeast corner of Lot 6 thence Southerly 7½ feet, thence Westerly 55 feet to a point on Lot 5 thence Easterly to place of beginning. Said line marked & established by parties of the first and second part and marked by concrete post on the West line of 4th Street, in Miami County, Kansas; commonly known as **403 Chestnut**;

2. Lot Nine (9), in Block One (1), Martin's Second Addition to the City of Osawatome; commonly known as **1006 5th Street**;

3. Lot 19, in Block 25, in the City of Osawatome, Miami County, Kansas, except beginning on the Southwest corner of Lot 19, in Block 25, in the City of Osawatome, Kansas, thence East 7 feet, thence North 75 feet, thence West 7 feet to the West line of Lot 19, thence South 75 feet to the place of beginning; commonly known as **345 Parker**;

4. Part of Lot 3 Block 3, J.C. Chestnut's Addition, except a strip of land 30 feet wide, adjoining and adjacent to the Missouri Pacific Railway right of way across said Lot 3, City of

Osawatomie. Part of Lot 2, Block 3, J.C. Chestnut's Addition to Osawatomie, except a strip of land 30 feet wide, adjoining and adjacent to the Missouri Pacific Railway right of way across said Lot 2, City of Osawatomie; commonly known as **715 Chestnut**;

5. The South one-third (S 1/3rd), and the Center one-third (C 1/3rd) of Lots Fifteen (15), Sixteen (16), and Seventeen (17), in Block Eight (8), in the City of Osawatomie, Miami County, Kansas; commonly known as **700 Lincoln**;

6. The Lot 1, in Block 2, Robert's Second Addition, a subdivision in the City of Osawatomie, Miami County, Kansas, according to the recorded plat thereof; commonly known as **901 Chestnut**;

7. Lot Sixteen (16), Block Four (4), J.C. Chestnut’s Addition to the City of Osawatomie, Miami County, Kansas; commonly known as **812 South Street**;

may appear and show cause why such structures should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once each week for two consecutive weeks on the same day of each week with at least thirty days between the last publication and the date set for the hearing herein.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be mailed by certified mail within three days after its first publication to each owner, owners' agent, lienholder and occupant and other party in interest at the last known address marked “deliver to addressee only.”

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 11th day of September, 2014, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Ann Elmquist, City Clerk



STAFF AGENDA MEMORANDUM

DATE OF MEETING: September 11, 2014

AGENDA ITEM: **Condemnations and Securing Abandoned Structures**

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: City staff originally put together a list of 24 properties for the City Council to consider for condemnations. The list was a compilation of properties identified by staff or through complaints from the public or Council. The list was pared down by the Council in May of 2014 and we published the first resolution to set a hearing on August 14. Unfortunately, the hearing date was missed, and we have to issue another resolution to set these properties for condemnation.

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

Procedure for Condemnations

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

4. The matter is set for hearing before the Governing Body at least thirty days after the date of the last publication.
5. A copy of the Resolution is mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant at the last known address with the letter marked as "deliver to addressee only."
6. At the date set for the hearing the Governing Body hears all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in the structure as well as evidence submitted by the enforcing officer filing the statement.
7. Governing Body makes findings. If the Governing Body finds that the structure is unsafe or dangerous such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. If the Governing Body finds that the property is abandoned, the governing body may authorize the rehabilitation of the property as provided by K.S.A. 12 1756a.
8. Resolution containing findings is published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing, i.e., certified mail within three days of the publication of the Resolution to last known address marked as "deliver to addressee only."
9. Resolution should fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be repaired or razed and removed in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property.
10. If the owner fails to commence the repair or removal of the structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the costs of removing such structure and making the premises safe and secure. Any money in excess of the costs shall be paid to the owner of the premises upon which the structure was located.
11. The City shall give notice to the owner of the structure by restricted mail of the total costs incurred by the city in removing the structure and making the premises safe and secure and providing notice. The notice shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost is not paid with the

thirty-day period and if there is not salvageable material or if money received from the sale, the balance shall be collected in the manner provided by K.S./A 12-1,115 or assessed as a special assessment against the lot or parcel. See 12-1755 for procedure.

Proposed Condemnations

In the packet I have included inspection reports for each of the proposed properties.

403 Chestnut	1006 5 th Street	345 Parker	715 Chestnut
700 Lincoln	901 Chestnut	812 South Street	

COUNCIL ACTION NEEDED: Vote on the proposed resolution with a hearing date of November 13, 2014.

STAFF RECOMMENDATION TO COUNCIL: Approve the.



Proclamation

Issued by the Mayor of Osawatomie

WHEREAS: September 17, 2014, marks the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Mark Govea, by virtue of the authority vested in me as Mayor of the City of Osawatomie in the City of Osawatomie, do hereby proclaim the week of September 17 through 23, 2014 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

PROCLAIMED this 11th day of September, 2014.

L. Mark Govea, Mayor



Proclamation

Issued by the Mayor of Osawatimie

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 Osawatimie is proud and honored to have Osawatimie Rehabilitation and Miami County Medical Center Rehabilitation Services serving the community; and

NOW, THEREFORE, I, L. Mark Govea, Mayor of the City of Osawatimie, on behalf of its citizens, do hereby proclaim the week of September 21 through September 27, 2014 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 11th day of September, 2014.

L. Mark Govea, Mayor



MEMORANDUM

DATE OF MEETING: September 11, 2014

TO: City Council

FROM: Osawatomie Planning Commission

AGENDA ITEM: Planning Commission Recommendation on 412 Brown and the 400 Block of Brown Ave.

ISSUE SUMMARY: The initial cause for the re-zoning occurred when Doug Jenkins requested to rezone his property at 412 Brown from R-1 (Single Family) to R-2 (Two-Family and Higher Density Single Family) to allow his current 3,200 sq. ft. home to become a duplex.

Rezoning of 412 Brown. The Osawatomie Planning Commission held a public hearing February 27 to consider the above request. Mr. Jenkins argued that the property was not viable as a rental for a single family home at that location. He also argued that the property had sat vacant for several years and nothing had been done with it, and that the property next to his is a 3 unit – apartment. The hearing was attended by a couple that owned and lived on the 400 block. They asked what impact the rezoning would have on their property values.

The staff recommendation was to review several issues, but primarily staff did recommend that it was feasible to look at a “buffer zone” or ring around the entire downtown area that would plan for residential or garden apartments where it might create a better zoning plan for those that want to walk or be closer to essential services. Based upon this discussion, the hearing was tabled to notify neighbors in the area of this “buffer zone” discussion and to study options for a “buffer zone.”

On, June 11 the hearing was continued. Mr. Jenkins was the only one present for the hearing. After a lengthy discussion the Planning Commission voted to send a recommendation of denial of the request to the City Council. The reason for the denial was to not allow spot zoning as it would essentially nullify any future denial of spot zoning and render the City’s zoning map useless. The denial was passed by a vote of 4-0.

Rezoning of North Side of 400 Block of Brown. Immediately following the denial of the previous motion on June 11, the Planning Commission recommended that a hearing be set to consider a proposal, by the Commission, to rezone the entire north side of the 400 block of Brown Avenue from R-1 (Single Family) to R-2 (Two-Family and Higher Density Single Family). This was recommended to accommodate the ability of some of the larger homes being turned into duplexes in this block.

The Osawatomie Planning Commission held the public hearing on August 20, 2014 on the Planning Commission's request to rezone the 400 block of Brown Avenue. Those impacted by the zoning were notified in compliance with the City's zoning regulations. Mr. Jenkins and Mayor Govea appeared at the hearing. There was one letter received from a neighbor within 200 feet of the block stating he did not wish to see the re-zoning for various reasons.

After reviewing, it was decided that many of the claims in the letter were not factual, but the response was noted. Mayor Govea was also present at the meeting and asked the Commission to consider the big picture when it comes to re-zoning. All Commission members indicated that the City's zoning map needed to be redrawn. Staff indicated that work has already begun on starting a planning process for updating the Comprehensive Plan, which would include evaluating and changing the map. Staff indicated that redrawing the map without a plan would be counter-productive.

The Commissioners made separate motions to approve and reject, with all ending in a 2-2 tie.

The zoning rules state that the procedure for the Commission to adopt a recommendation to amend the zoning district boundaries is the same as that required for the adoption of the original zoning regulations. A majority of the members of the Planning Commission attending and voting at the hearing are required to recommend approval or denial of the amendment to the City Council. If the Planning Commission fails to pass a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of denial. By application of these rules, by the Commission not passing a motion to approve, the recommendation is deemed to be considered a denial.

COUNCIL ACTION NEEDED: When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the Governing Body may: (1) adopt the Planning Commission recommendation; (2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or (3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

STAFF RECOMMENDATION TO COUNCIL: Separately approve the two recommendations of the Planning Commission which denies the proposed zoning changes.