

OSAWATOMIE CITY COUNCIL

AMENDED AGENDA

October 10, 2013

6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Consent Agenda
 - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action*
 - A. Approve Minutes of September 12 and September 26 Council Meetings
 - B. Approve October 10 Agenda
 - C. Appropriation Ordinance 2013-09
5. Presentations; Comments from the Public
 - A. Public Comments
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
6. Public Hearing – none
7. Unfinished Business
 - A. Ordinance Adopting Zoning Regulations
 - B. Invocation at Council Meetings
8. New Business
 - A. Appointments – none.
 - B. Approve Engineering Contracts for Sewer Plant Project**
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session
13. Adjournment

REGULAR MEETING – October 24, 2013

REGULAR MEETING – November 14, 2013

Osawatomie, Kansas. **SEPTEMBER 12, 2013.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:30 p.m. Council members present were Dickinson, Farley, Hampson, Hunter, LaDuex, Maichel, Martin, and Walmann. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitor was Coleen Truelson.

CONSENT AGENDA. Approval of the minutes of August 8 and August 22 Council Meetings, approval of September 12 Agenda, and approval of Appropriation Ordinance 2013-8. Motion made by LaDuex, seconded by Hunter to approve the minutes of August 8 as amended and August 22 Council Meeting, approval of September 12 Agenda, and approval of Appropriation Ordinance 2013-8. Yeas: All.

Public Participation; Presentations: none

Public Hearings: none

Unfinished Business:

RESOLUTION AUTHORIZING TEMPORARY NOTES. The temporary notes are to be issued for \$590,000. Motion made by Maichel, seconded by Hunter to approve the resolution. Yeas: All. The Resolution was assigned No. 674.

NOTE PURCHASE AGREEMENT. The three local banking institutions were asked to bid on the temporary notes. Received a bid from Great Southern Bank for 1.85% and one from First Option Bank for 2.85%. The agreement is with Great Southern bank for \$590,000 at 1.85%. Motion made by Maichel, seconded by Hampson to authorize the Mayor to sign the note purchase agreement and any other required documents necessary to issue the \$590,000 in temporary notes. Yeas: All.

RESOLUTION TO AUTHORIZE STATE REVOLVING LOAN APPLICATION. The loan has not been finalized with KDHE. With the City moving forward with the sludge press, the recommendation is to reapply for the loan to include both the head works project and the sludge press. The reauthorization prevents any confusion with KDHE. Motion made by Hunter, seconded by LaDuex to approve the resolution. Yeas: All. The Resolution was assigned No. 675.

New Business:

APPOINTMENTS.

League Voting Delegates and Alternates

Delegate #1 Tamara Maichel
Delegate #2 Amanda Martin

#1 Alternate Don Cawby
#2 Alternate Mark Govea

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

PROCLAMATION – NATIONAL REHABILITATION AWARENESS WEEK, SEPTEMBER 16-22. Motion made by LaDuex, seconded by Martin to approve the proclamation. Yeas: All

2013 STANDARD TRAFFIC ORDINANCE. Motion made by LaDuex, seconded by Martin to approve the ordinance. Yeas: All. The Ordinance was assigned No. 3713.

2013 UNIFORM PUBLIC OFFENSE CODE ORDINANCE. Motion made by Maichel, seconded by LaDuex to approve the ordinance. Yeas: All. The Ordinance was assigned No. 3714.

BIDS FOR LIBRARY FOUNDATION REPAIR. Bids were solicited for piercing the foundation of the library. Significant settlement was discovered after the conclusion of the renovation two years ago. The work needs to be done in order to eliminate further damage to the building. Attached are three estimates received for the work:

8 Interior and 4 Exterior Piers	\$18,000	
Redo Area Drain System	\$ 4,550	
Taylor Brothers Construction, Ottawa, KS		\$22,300
8 Exterior Piers; Reset Aluminum Threshold		
Pier Masters, Grandview, MO		\$35,000
23 Interior Piers; 5 Exterior Piers;		
Option 1: 9 additional piers	\$1,250	
Option 2: mudjacking basement slab and stairs	\$4,600	

Funding for the project was budgeted at \$35,000. If Pier Masters was selected, the Library would fund the additional costs from the Library Fund, along with any other renovations that need to take place to make the interior safe for kids. Staff recommended Pier Masters because of the thoroughness of the bid, the number of piers installed, the use of interior piers because of OSHA concerns, and the recommendation of mudjacking to prevent future settling. Motion made by LaDuex, seconded by Hunter accepting Pier Masters' bids for repair of the Library basement for \$35,000, and referring Options 1&2 to the Library Board to make decisions and determination to proceed by the City Manager. Yeas:

DISCUSSION OF INVOCATION AT COUNCIL MEETINGS. Mayor Govea would like an invocation at the beginning of the meeting with the ministers in the area taking turns. Also, would like the ministers to talk about what their church does in the community. There was discussion about if it was legal to have a prayer. The legality is up in the air with the US Supreme Court to hear arguments November 6. There was discussion on having the invocation before the Council meeting. Then the question was raised about non-Christians and that if the Council opens it up, have to open to everyone. LaDuex said that there has been division in the Council before and this issue divides the Council. It opens up criticism from citizens and the political practicality needs to be look. Motion made by Dickinson, seconded by Hunter to table the issue to October 10. Yeas: Dickinson, Farley, Hampson, Hunter, LaDuex, Maichel, and Martin. Nay: Walmann.

Council Reports:

Farley: Complained about the chip and seal work and the dust it caused. City Manager Cawby said it has settled down and in two weeks it will go back to normal. The residual is taken care from cars breaking the rocks down.

LaDuex: The pergola over John Brown Cabin has been refurbished.

Hunter: The Economic and Community Development Committee met. County Commissioner George Pretz was persistent about the City putting themselves out there and campaign for the new jail. September 19 at 7:00 p.m. the County Commission will be taking comments from the public. The Freedom Festival is September 21 and 22.

Hampson: Unable to attend the Golf Committee and the Parks & Recreation Committee meetings. The fall programs going on are youth soccer, flag football, indoor table tennis, and this year fall baseball was added.

Mayor's Report:

Still waiting on some City Manager reviews from Council members. First Baptist Church has a new program called Keenagers. It provides ministry and fellowship for seniors 55 years of age and older.

Hampson reminded everyone of the tailgating starting at 5:00 before the Friday night football game.

Walmann informed everyone of the Boy Scouts' Spaghetti Feed on Friday, October 27. Attended Greeley's BBQ event. Osawatomie will be holding their first BBQ contest October 25 and 26th.

City Manager's Report:

Projects:

Zoning Regulations. The Planning Commission approved new Zoning Regulations, Subdivision Regulations, and Floodplain Regulations. They will be forward to the Council for their approval.

Bridge in the Park. Staff completed a new walking bridge in John Brown Park that looks fabulous.

Issues:

Trash Contract. A draft of the contract with L&K Services will be ready for the September 26 meeting.

UV Lights at the Sewer Plant. There continue to be issues with the UV disinfecting lights at the Sewer Plant. After failing a lab test, a KRWA representative to come down and helped figure out the problem. The lightning strike earlier this summer seems to be at the root of most of this.

Real Estate Transactions. The City has closed on 509 1st Street (the Kastler Property). At the tax sale on September 6, three properties were purchased for protecting drainage areas or to provide opportunity to create easements and then re-market the property for private use. The properties purchased for \$500 each are: 101 Happy Place, the west half of the Indian Ridge Development; 820 3rd Street, the creek to the west of Lom Vista; and 121 E. Walnut, the property directly north of Matney Estates.

Electric Discussion. Met with City consultant, Scott Shreve about KMEA looking at long term planning options for purchasing generation. They discussed the City's options and responses. Also, when reviewing the year-to-date expenses and revenue, they agreed there should be better results for the new contracts this year. However, there are some issues with KMEA power that still needs to be investigated. Discussed plan to have Shreve come in October to begin to craft an electric incentive and also to get moving on the Energy Savings Initiative.

Surplus Property. The City has been getting quite a few phone calls from people wanting to buy items from the City such as the old white street posts, rocks and bricks, and pool equipment. City Manager has adhered to the policy that unless it is an unusual or large item, the offers are not considered until the City is ready to auction off surplus property.

EXECUTIVE SESSION: none

Motion made at 8:17 p.m. by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Osawatomie, Kansas. **September 26, 2013.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:30 p.m. Council members present were Dickinson, Farley, Hampson, Hunter, LaDuex, Martin, and Walmann. Absent: Maichel. Also present were City Manager Cawby and City Clerk Elmquist. Visitors were Scott Michie, Larry & Kim Smith, Bryce Smith, Ted Bartlett, and Coleen Truelson.

APPROVAL OF AGENDA. Motion made by Hunter, seconded by Martin to approve the consent agenda. Yeas: All.

Public Participation; Presentations: none

Public Hearings: none

Attorney Wetzler arrived at 6:35 p.m.

Unfinished Business:

REVIEW OF RECOMMENDED ZONING REGULATIONS FROM PLANNING COMMISSION. The Planning Commission held a public hearing September 11, 2013. No visitors were present. The vote was unanimous to recommend to the Council for adoption the Zoning Regulations, Subdivision Regulations, Floodplain Regulations and Zoning Map as presented. Went over the highlights of the new format and the new regulations. There wasn't anything rezoned but grouped within changes made. Motion made by LaDuex, seconded by Martin to change the minimum accessory building square footage to 600 sq. ft. Yeas: All.

New Business:

APPOINTMENTS: none

L&K SANITATION CONTRACT RENEWAL. The contract with L&K expires on December 31, 2013. One option was to renew the current contract for five years. The other option was to write up a new contract renewing the contract for five years with L&K with another option for five more at the end. The new contract is not significantly different than the current contract other than the time extension and the addition of a current addendum on the yard waste facility being written permanently into the contract. Motion made by Hunter, seconded by LaDuex to approve the contract with L&K Sanitation. Yeas: All.

Council Reports:

Martin: The Chamber's annual dinner is October 17.

Walmann: The Boy Scout's Annual Spaghetti Feed is tomorrow.

Hunter: The Freedom Festival was exciting with the four canons. The Festival brought in a lot of young people. Attended the special County Commission meeting about the jail.

Dickinson: Enjoyed the gospel concert at the Festival.

Hampson: There will be tailgating again before the football game.

Mayor's Report: none.

City Manager's Report:

Golf Course. The rates for daily play need to be lowered with the ultimate goal of increasing play.

ICMA National Conference. Attended the City Manager's conference and they had great sessions. There was discussion on storm water regulations ordered by FEMA and the EPA but FEMA does have money.

Motion made at 7:56 p.m. by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 2013-09

DATE WARRANTS ISSUED:
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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 Hydro Electricity	1384	3,396.16
Reserve Account	Postage	42377	1,200.00
AT&T	RTU's	42378	221.45
Baker & Taylor	Books	42379	285.41
Bearing Headquarters Company	DC Motor-Lime Machine Feed	42380	813.10
Brewer's Automotive Repair	Battery, Tires, Ran Scanner Diagnose	42381	311.10
City of Osawatomie	Utilities	42382	12,773.56
Colman Equipment, Inc.	Water Pump, Gasket	42383	192.47
Demco	Jacket Covers, Labels, Album	42384	180.85
Drake-Scruggs Equipment, Inc.	Rope Assembly	42385	568.33
Environmental Laboratories, Inc.	Wastewater Sample & Analysis	42386	240.00
Family Center	Feed Scoops, Ladder, Bucket,	42387	829.89
Richard Fisher, JR LLC	Attorney Fees	42388	925.00
Gerken Rental-All	Pole Tent, Chairs, Tables-EE Picnic	42389	373.60
John Deere Financial	Gasket, Drain Plug, Ball Bearing	42390	17.11
John Deere Landscapes	Fertilizer, Fungicide, Herbicide	42391	1,550.32
Kansas City Wilbert	Grave Openings	42392	3,136.00
Kansas Department of Commerce	JTC Oil Lease-Oct	42393	1,000.00
Kansas One Call	Locates	42394	37.20
L & K Services, Inc.	Refuse	42395	32,252.20
League of Kansas Municipalities	2013 Full Conference Registration	42396	1,100.00
Martin Pringle Attorneys at Law	Municipal Matters, City Proscuter-2 MO	42397	10,707.82
Miami Lumber	Wood, Screws, Concrete Mix, Blocks	42398	711.55
National Sign Company, Inc.	Post Cap, Crosspiece, Sign	42399	113.80
Navrat's Office Products	Shut off Notice	42400	517.10
Northern Tool & Equipment	Underbody Box	42401	280.32
NPG Newspapers	Increase in Tax Revenues, Special Use	42402	609.99
Osawatomie Chamber of Commerce	Appropriation	42403	10,000.00
Paola Hardware	Latex Primer, Masking Tape, Pulley	42404	158.67
Penny's Concrete, Inc.	Concrete	42405	250.40
Read It Free	Advertisement-Roots Fest	42406	67.50
Rural Water #1	Service	42407	183.22
Sensus USA	Sensus	42408	1,652.67
Smitty's Lawn & Garden Equip.	Ignition Switch, Voltage Regulator	42409	200.84
Suddenlink	Internet	42410	119.90
UZ Engineered Products	Kwik Cut Hole Saw, Deep Sockets	42411	263.58
Van Wall Equipment	V-Belt, Pinion, Spur Gear, Shaft Key	42412	168.21
Wade Quarries	Gravel	42413	1,123.27
Brad Waggoner	Pro Shop	42414	835.05
Winterscheid Auto Parts	Brake Calipers, Control, Filters, Belts	42415	813.01

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
City of Osawatomie	Petty Cash Reimbursement	1385	5,596.48
KMEA	WAPA Electricity	1386	10,938.54
KMEA	GRDA Electricity	1387	122,039.95
Crawford Sales Company	Budweiser	42416	273.70
Midwest Distributors	Miller	42417	232.80
Electronics Supply Co.	Wire	42418	178.33
American Equipment Co.	Centering Flange, Tarp Cross Tube	42419	129.96
Apex Environmental Consultants	Asbestos Bulk Sampling, Consulting	42420	380.00
Brenntag Mid-South, Inc.	Robinloc, Hypochlorite	42421	4,292.97
The Cow Palace	Hot Dogs-Employee Picnic	42422	25.00
Discover Mid-America	Ad-Freedom Festival	42423	192.00
Dish Network	Service	42424	94.77
Emg, Inc.	Energy Consulting	42425	1,074.58
Employee Screening Services	Drug Testing	42426	330.00
Galls	Six Switch Panel for LEDS, Paracord	42427	396.72
Hanes Florist	Flowers	42428	35.00
Heartland Plumbing, Inc.	Camera Sewer Lines	42429	350.00
Jerry's Sports Center	Ammo	42430	188.70
Ka-Comm, Inc.	Connectors, Gasket, Wire Ties	42431	103.48
Kansas State Treasurer	Training Funds	42432	717.50
Moon's IGA	Cleaning Supplies, Buns, Pork Chops	42433	871.58
Omi Communications, Inc.	Battery Backup	42434	190.62
Pepsi Beverages Company	Pop	42435	291.16
Quill.com	Envelopes, Wood Organizers, Paper	42436	265.81
Rejis Commission	LEWEB Subscription Service	42437	31.50
S & R Enterprise	Mowing Weed Lots	42438	120.00
Suddenlink	Internet	42439	134.18
Superior Lamp	Ballast for 8' Lights	42440	703.81
Vance Brothers	Oil-Chip N Seal	42441	45,671.66
Viking Industrial Supply	Paper Goods	42442	297.71
Winkler, Domoney & Schultz	Municipal Court Judge	42443	2,000.00
Crawford Sales Company	Budweiser	42444	135.80
Void 42445-42447			-
Baker & Taylor	Books	42448	573.29
Void	Historical Performance	42449	-
Bollings Bargain Bonanza	Screwdrivers	42450	18.85
Brenntag Mid-South, Inc.	Alum Ground, Sod Hypochlorite	42451	16,934.62
BSN Sports	Home Plate, Table Tennis Table	42452	748.43
The Cow Palace	Meat-Freedom Festival	42453	47.00
Donna & Viola's Shirts	T-Shirts, Polo Shirts	42454	955.36
E-M Sales	Tire Mounting Lube	42455	15.00
Elliott Insurance, Inc.	Insurance	42456	48,288.00
Evco Wholesale Food Corp.	Gatorade, Chips, Crackers, Sausage	42457	786.87
Fastenal Company	South Lift Small Pump, Bolts	42458	74.39
Grainger	Door Closer	42459	134.91

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
HD Waterworks	Water Break Clamps	42460	677.69
ICC	Membership	42461	125.00
KDHE-Bureau of Water	Wastewater Permit	42462	245.00
Kansas River Gang	Historical Performance	42463	300.00
Killough Construction	Asphalt	42464	453.20
L&K Services, Inc.	Yard Waste Removal, All for you	42465	460.00
League of Kansas Municipalities	Standard Traffic Ordinance	42466	267.77
Lybarger Oil	Fuel	42467	10,424.99
Madden Rental	Portable Toilet	42468	230.00
Void	Historical Performance	42469	-
Miami County Solid Waste	Tire Disposal	42470	75.00
NEKLS	ASUS All in One PC, Wireless Router	42471	654.98
Olathe Transmission Service, Inc.	Transmission Repair	42472	422.70
Osawatomie Pet Clinic	Examination	42473	50.00
Pace Analytical	Analytical Services	42474	50.00
Pioneer Manufacturing Company	Athletic Field Paint	42475	337.50
Void	Historical Performance	42476	-
Ricoh	Staples, Copies-PD	42477	174.92
Ricoh	Copier Lease	42478	183.90
Ricoh	Copier Lease	42479	289.00
Sanford Lee and Associates Entertain	Historical Performance	42480	950.00
Scott A Michie	Consulting Services	42481	44.00
Diane Seba	Historical Performance	42482	200.00
Sprint	Service	42483	26.30
Bill Thurman	Historical Performance	42484	400.00
The UPS Store	Copies	42485	21.19
Alan Van Lonen	Historical Performance	42486	200.00
Visa	Bookcases, DVD;s Tape, Chair	42487	1,177.48
Visa	Postage, Typewriter Ribbon, Meat, Ice	42488	776.74
We-B-Smokin, Inc.	Food-Freedom Festival	42489	250.00
Wycoff's Locksmithing	Lock	42490	110.48
Jeff Young	Historical Performance	42491	40.00
Kansas Department of Revenue	Sales Tax	1388	12,100.56
Kansas Department of Revenue	Compensating Use Tax	1389	59.60
KMEA	Nearman Electricity	1390	32,334.16
City of Osawatomie	Petty Cash Reimbursement	1391	1,398.68
KMEA	EMP Electric Transmission	1392	42,089.39
Crawford Sales Company	Budweiser	42492	159.00
Midwest Distributors	Miller	42493	116.40
Kansas City Power & Light	Service	42494	2,322.84
Deven Ayres	Soccer Official	42495	148.00
Burton M. Harding Attorney at Law	Attorney Fees	42496	360.00
Century Link	Long Distance	42497	314.94
Century Link	Service	42498	2,354.56
Delta Dental of Kansas	Dental Insurance	42499	3,128.82



STAFF AGENDA MEMORANDUM

DATE OF MEETING: September 26, 2013

AGENDA ITEM: Zoning Regulation Update

PRESENTER: Don Cawby, City Manager
Scott Michie, City Planner

ISSUE SUMMARY:

The Process. In August 2012 we asked our on-call planner, Scott Michie, to help us update and overhaul our zoning regulations. While the majority of the old regulations were very good, basic regulations based upon sound planning principles, they were difficult for staff to navigate. The rules, process and exceptions for one situation were often scattered throughout the document in several different places. We also discovered that some regulations were overly complex or in some situations difficult to enforce. For these reasons we opted for this update so that we could make some common sense changes to allow for re-development and also to make our community attractive to new development.

The process started with Scott developing a new basic regulation package. We reviewed the proposal in a joint meeting of the Planning Commission and City Council and provided some direction to the Planning Commission in their deliberations. Then over the next several months the Planning Commission worked through the regulations section by section to discuss the basic regulations and the hot button issues contained in the new document. Also, I reviewed these regulations numerous times and Scott and I sat down in person three times for extended sessions to walk through the regulations page by page. Through these reviews we were able to come up with solutions for issues identified by the Planning Commission.

The Planning Commission conducted a public hearing in May. Scott and I also conducted a two-hour open house prior to that hearing. Neither of those meetings was attended by members of the public, which was not unexpected. After the hearing we had two meetings to implement any further changes and to do one final substantive edit of the material. We did have one member of the public come to that meeting to discuss concerns over the “hardship” provision

of variances. The documents that you have before you are a product of all of these meetings. On September 11, 2013 the Planning Commission voted unanimously to recommend to the Council for adoption the attached Zoning Regulations, Subdivision Regulations, Floodplain Regulations and Zoning Map.

Highlights of the New Format.

1. A user-friendly Use Table consolidating land uses by zoning district into a complete table as “Appendix A” (rather than incomplete lists strewn throughout the text). This new table also lists land use codes that more clearly define each land use (rather than simply listing the use and leaving its intent entirely up to interpretation). (153)
2. The new zoning regulations are arranged logically together by Article. The Supplemental District Regulations includes the following sections: Accessory Structures; Setback and Lot Adjustments; Temporary Uses; Fences and Walls; Home Occupations; Other Related Supplemental Uses. (i – iv)
3. Two new appendices for Multifamily Development Standards (Appendix B) and a table of signs permitted by zoning district (Appendix C). (157-166)
4. Graphics illustrate the sign code and several definitions. (59-77)
5. Procedural information (e.g., application submittal requirements) is included in a Procedures Manual with forms and explanatory text, providing additional information for staff and citizens alike.

Highlights of the New Regulations.

1. Consolidated zoning districts and updated the map to reflect the changes. (17)
2. Allow for the creation of Planned Overlay Districts. (17, 121)
3. Minimum lot widths are changed minimally for residential and setbacks are based upon a percentage of lot width. (24-27) A provision is allowed for adjustments to lot setbacks and other requirements established prior to 1999. (36)
4. The maximum lot coverage regulation is removed and instead lot coverage is governed by requiring minimum rear yards and regulating the sizes of accessory structures. (24-27, 37-38)
5. Houses in the Central Business District may continue in use but have to meet R-1 standards for improvements. (28)

6. ADA ramps will be allowed into a setback, but must be done so with minimum intrusion. (35)
7. Establishes the same building criteria for accessory buildings whether attached or detached. (37)
8. Allows for flexibility in accessory building sizes based upon the lot size. (37-38)
9. Allows for outside displays in the downtown business district. (41)
10. Disallow small engine repair as a home-based business. (46)
11. Guidance for Landscaping plans. (79)
12. Legal non-conforming lots will be able to be developed. (83)
13. The limit of damage to non-conforming structures or non-conforming uses is raised to 60 percent of the appraised value of the structure. (84)
14. Abandonment or discontinuance of a use is extended to 12 months. (86)
15. Special Uses are deemed lawful until the use is changed, unless specifically limited. (86)
16. Authorizes the Board of Zoning Appeals to grant a variance based to accommodate the rebuilding of a property after a catastrophic loss, as long as the rebuilding doesn't increase the non-conformity.
17. Updated regulations address some new and changing trends, such as temporary storage (Article 5), a more defined site plan review process (Article 11), downtown development guidelines (Article 16), and standards for wireless communication towers and wind turbines (Article 17).
18. Floodplain Regulations were updated to meet FEMA regulations on HVAC height.

Zoning Map Changes. Overall the zoning policies of the City are not radically changed by this update, so this project really doesn't change the zoned uses of land citywide. The map changes are just a re-designation of uses by similar districts. For example, single-family residential is still low-density as before, multifamily is still similar in densities, and commercial/industrial uses are still similar in land use and intent. Therefore, according to law we can issue a new map to show the new zoning designations along with this project.

Procedure Manual. We will adopt the procedure manual after the adoption of these regulations. This is an administrative function and should not be part of the official regulations, so that procedures and forms can be routinely updated.

Subdivision Regulations. The Subdivision regulations have been updated but I believe are not substantially different than our current regulations.

Adoption. To adopt these regulations, the Council must approve the attached ordinance and it must be published in the official newspaper.

Summary. What I believe we now have is a much more “reader-friendly” set of regulations, accompanied by a procedure manual which staff will adopt upon the approval of these regulations. These regulations are decidedly more lenient than a suburban Kansas City metro community, while still providing protection for all property owners that some reasonable standards for development and property use will be maintained.

Also, I believe these regulations will help in business development, as we will have consistent, reasoned and professional approach in our business transactions. With new common sense, user friendly regulations, I believe we will present a good impression to new and current businesses wanting to expand in Osawatomie.

COUNCIL ACTION NEEDED: Review and discuss the proposed zoning, subdivision and floodplain regulations, along with the new zoning map that implements these changes.

STAFF RECOMMENDATION TO COUNCIL: Recommend changing the minimum accessory building square footage to 600 sq. ft. Recommend placing an ordinance for adoption of these regulations on the October 10 agenda.

ZONING REGULATIONS, SUBDIVISION REGULATIONS & FLOODPLAIN MANAGEMENT REGULATIONS

for

CITY OF OSAWATOMIE, KANSAS

CITY OF OSAWATOMIE LAND DEVELOPMENT ORDINANCE

Official Copy as Incorporated by Reference by Ordinance No. _____

Public Hearing by the Osawatome Planning Commission May 29, 2013

Adopted by the Osawatome City Council October 10, 2013

Prior Ordinance No. 3576 Adopted November 18, 2004

Amended Floodplain Management Chapter 17 – 06/26/2008 Ordinance No. 3644

Single Wide Overlay Areas Chapter 6-2.C. – 06/30/2008 Ordinance No. 3645

Signs Chapter 21 – 08/14/2008 Ordinance No. 3650

Accessory Uses & Structures Chapter 18-11.B.7 – 11/12/2009 Ordinance No. 3671

CITY OF OSAWATOMIE - ZONING REGULATIONS

Article 5 - Supplementary District Regulations

Table 5A: Accessory Structures by Zoning District and Lot Size

Zone	Lot Size	Max Total Sq. Ft. of Accessory Structures	No. of Structures Allowed		Restricted: From Front Yards	Setbacks: Side and Rear Yards	Sidewall Heights
			<=216 sq ft	>216 sq ft			
AG	All	NA			Required Front Yard	10 ft	NA
R-1	< 5,000 sq ft	600 sq ft	1	1	Established Front Yard	5 ft	12' Sidewall
	5,000 sq ft to ½ acre	5% of lot size but at least 600 sq ft	1	1	Established Front Yard	5 ft	12' Sidewall
	½ - 1 acre	3% of lot size but at least 1,200 sq ft	1	1	Established Front Yard	10 ft	12' Sidewall
	1 - 2 acres	2% of lot size but at least 1,500 sq ft	1	1*	Established Front Yard	10 ft	16' Sidewall
	2 - 3 acres	2% of lot size	2	2	Required Front Yard	10 ft	20' Sidewall
	> 3 acres	2% of lot size up to 3,200 sq ft	2	2	Required Front Yard	10 ft	20' Sidewall
R-2	Up to 5,000 sq ft	600 sq ft	1	1	Established Front Yard	5 ft	12' Sidewall
	5,001 sq ft to ½ acre	5% of lot size but at least 600 sq ft	1	1	Established Front Yard	5 ft	12' Sidewall
	½ acre to 1 acre	3% of lot size but at least 1,100 sq ft	1	1	Established Front Yard	10 ft	12' Sidewall
	1 acre or greater	2% of lot size but at least 1,300; maximum 1,800 sq ft	1	1	Established Front Yard	10 ft	20' Sidewall
R-3	All	1,800 sq. ft.	1	1	Established Front Yard	5 ft	20' Sidewall
R-4	All	400 sq. ft.	1 total		Established Front Yard	5 ft	10' Sidewall
C-B	All	400 sq. ft.	1 total		Established Front Yard	Principal Structure	10' Sidewall
G-B	All	1,800 sq. ft.	1	1	Established Front Yard	10 ft	12' Sidewall

* If no attached garage, 2 accessory structures > 216 sq. ft. allowed

- (3) Up to two (2) portable storage containers may be located in all residential zoning districts, if the container is placed on the drive or personal parking area and does not obstruct any City right-of-way or interfere with any vehicular or pedestrian circulation.



STAFF AGENDA MEMORANDUM

DATE OF MEETING: October 10, 2013

AGENDA ITEM: Engineering Contracts for Sewer Plant Upgrades

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: In September of 2012, the Council approved a contract with BG for the headworks upgrades at the Sewer Treatment Plant. This summer, BG presented us with a quicker time table for adding a sludge press because of ongoing issues at the plant. The Council approved to move forward with the additional work, including purchasing the equipment and requesting an increase in the KDHE Revolving Loan amount for this work.

Before us are two contracts that are within the estimates presented at the time of that approval. The first is an addendum to the BG Consultants contract for this project in the amount of \$68,596. This covers both design work and construction inspection. The second is a contract for \$5,300 with Latimer Sommers and Associates who will do specific electrical and HVAC portions of the design work to retro fit the existing building for the belt press.

COUNCIL ACTION NEEDED: The Council must approve these contracts in order for them to be part of the Capital Improvements Project.

STAFF RECOMMENDATION TO COUNCIL: Approve the contracts with BG Consultants and Latimer Sommers and Associates in accordance with the project budget.

**ADDENDUM NO. 2
TO
AGREEMENT FOR ENGINEERING SERVICES**

This Addendum No. 2 amending the Agreement for Engineering Services dated September 27, 2012 and titled 2012 WWTP Improvements City of Osawatomie, Kansas, party of the first part, hereinafter referred to as the “CLIENT”, and the firm of BG Consultants, Inc., located in Lawrence, Kansas, party of the second part, hereafter referred to as the “CONSULTANT”.

The CLIENT requests that CONSULTANT provide design services for WWTP Belt Filter Press Improvements Options 4 and 4a dated 7-25-13.

These improvements will be hereinafter referred to as the “IMPROVEMENT”.

In consideration of these premises and the mutual covenants herein contained, the Parties hereto agree as follows:

**ARTICLE I
SCOPE OF SERVICES
TO BE PROVIDED BY THE CONSULTANT**

1. The CONSULTANT shall commence from the date of this agreement to provide the services required under this section.
2. The CONSULTANT will provide design services in accordance with the original contract for the additional IMPROVEMENT.
3. In the event the scope of additional work described in this contract changes, the scope of work and compensation paid to the CONSULTANT will be renegotiated.
4. The CONSULTANT will provide construction observation services in accordance with the original contract for the additional IMPROVEMENT.

**ARTICLE II
RESPONSIBILITY OF THE CLIENT**

The CLIENT shall provide information, assistance and compensation as follows:

1. For additional services set forth in this Article I, Items 1 through 4 above, an hourly fee.
 - a. The total amount for work identified in Article I, Items 1 through 4, shall be billed hourly according to the original contract not to exceed **\$68,596.00**, unless specifically authorized by the CLIENT. The original maximum contract amount for section B shall be increased to \$200,896.00.
2. To provide compensation to the CONSULTANT as follows:
 - a. Payment will be in accordance with the *Original Contract Section 4*.

**ARTICLE III
RESPONSIBILITY OF THE CONSULTANT**

The CONSULTANT Agrees to provide the following Additional Services as part of the overall scope of services for this project:

1. The CONSULTANT will provide design services in accordance with the original contract.
2. To accept compensation for the herein Additional Services, described in such amounts and at such periods as indicated in Article II Section 1a.

**ARTICLE IV
MUTUAL AGREEMENTS**

It is Mutually-Agreed by the Parties Hereto:

1. This agreement amendment shall become part of the original agreement dated September 27, 2012.

IN WITNESS WHEREOF, said parties have caused this Agreement to be signed by their only authorized officers in four counterparts, each of which shall be deemed an original, on the day and year first written.

ATTEST:

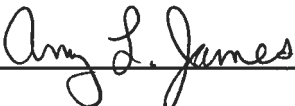
CITY OF OSAWATOMIE, KS

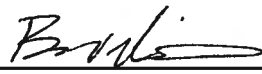
City Clerk

Mayor

ATTEST:

BG CONSULTANTS, INC.





Brian P. Kingsley, P.E.
Principal

ENGINEERS OPINION OF PROBABLE COST
 OSAWATOMIE WWTF BELT PRESS IMPROVEMENTS
 7/25/2013
 BG PROJECT NO. 13-1022L
 OPTION NO. 4 AND 4A

Item No.	Description	Quantity	Units	Unit Cost	Total
1	Mobilization	1	LS	-	\$ 16,000.00
2	Existing Equipment Demolition	1	LS	-	\$ 6,500.00
3	Existing Concrete Demolition	1	LS	-	\$ 3,200.00
4	Sludge Pump Piping	1	LS	-	\$ 3,000.00
5	Wash water Piping	1	LS	-	\$ 1,500.00
6	Drain water Piping Interior	1	LS	-	\$ 2,500.00
7	Cake Pump Piping	1	LS	-	\$ 5,000.00
8	Belt Press Equipment Purchase	1	LS	-	\$ 215,000.00
9	Belt Press Equipment Installation	1	LS	-	\$ 21,500.00
10	Misc. Piping	1	LS	-	\$ 5,000.00
11	Lean-to Metal Sludge Storage Structure	1	LS	-	\$ 15,000.00
12	Sludge Storage Concrete Pad	1	LS	-	\$ 6,000.00
13	Drain water Piping Exterior	1	LS	-	\$ 4,000.00
14	Electrical Improvements	1	LS	-	\$ 30,000.00

Construction Subtotal	\$ 334,200.00
Construction Contingency (10%)	\$ 33,420.00
Design Engineering	\$ 40,104.00
Construction Inspection (2 months)	\$ 33,792.00
Administration	\$ 7,500.00
Legal Administration	\$ 5,000.00
Total Project Cost	\$ 454,016.00

Note: Design Engineering includes:

LS&A \$5,300

BG \$34,804

Mechanical September 25, 2013

Plumbing Don Cawby
City Manager
439 Main St
PO Box 37
Osawatomie, KS 66064-0037

Electrical Project: Waste Water Treatment Facility Belt Press Improvements
City of Osawatomie, KS

Communications Dear Don,

Video Per your request, and per our previous discussions with BG Consultants, we are pleased to provide this proposal for Engineering Services for the referenced project. As we understand it, this phase of overall project WWTF improvements will include the following at a minimum:

- Data
- Remove Rotary Drum Thickener Equipment, supporting structure, piping, power and controls
 - Install Aero-Mod Belt Press Equipment, support structure, piping, power and controls.
 - Reuse or repurpose any existing infrastructure including power, conduit, piping or controls when and if applicable.
 - Install new electrical and controls wiring and conduit as necessary for new equipment only.
 - Install new process piping as necessary for new equipment only.
 - Install new covered pole barn type lean-to with concrete floor. This structure shall be lighted.
 - Updates to existing equipment shall only occur if required to meet current code requirements. Existing system replacements are not expected at this time; however improvements to HVAC, power, lighting or other items may be required to meet safety requirements of current codes. Existing equipment will be reused whenever possible. It is not expected at this time that existing equipment would be replaced if new equipment simply connects to it (such as new power circuits to existing panelboards). Any such items will be documented and recommendations made for system improvement based on current conditions and current codes.

Currently all power required for the Thickener building originates in existing electrical distribution gear housed in the adjacent Operations building. It may be required to replace or modify this current distribution method to and within the Thickener building based on new equipment needs. However, at this time, it is planned that existing circuiting within the Thickener building will remain and the new belt press equipment be reconnected to it.

Any new equipment, power, HVAC, lighting, controls, etc. will be installed to meet current code requirements suitable for the installation environment as per NFPA 820 (2012) and all other current applicable codes.

It is expected that the existing Thickener building will be completely shut down for the duration of the project and that the plant will bypass the building/process during this time with no additional temporary adjustment requirements in terms of power, lighting or HVAC needs.

As we understand it, the project MEP scope of work for the referenced project shall include the following items:

- Remodel of the existing areas as indicated above for the replacement of the existing rotary drum thickener with a new Aero-Mod beltpress.
- Provide review and documentation of the existing site, building HVAC and electrical systems within the affected areas to determine total extent of modifications required.
- Evaluate the new Aero-Mod belt press equipment proposal package and coordinate utility connections or other code related items regarding the new equipment.
- Facilitate coordination between BG Consultants, LSA, equipment vendors or the City of Osawatomie as necessary for proper design of all items indicated.
- Develop design of all HVAC, power, and lighting system modifications for the areas indicated as required to coordinate with the items listed above. At this time, it is expected that all new/existing control system components for the new equipment shall be provided by others. LSA will coordinate with BG Consultants to show schematically the planned control wiring and connection points only.
- All system modification designs provided shall coordinate with both new and existing systems as well as all Architectural and Civil portions of the project.
- Construction documents will be issued consistent with progress milestones as mutually agreed upon and coordinated with BG Consultants. It is anticipated that final completion of construction documents shall occur as soon as possible to help facilitate construction occurring as soon as possible.
- All construction is planned for (1) construction phase to be completed within (1) year of issuance of project documents.

We propose by this contract to furnish professional engineering design for the mechanical and electrical portions of the construction work for the above referenced project as set out by the following parameters:

- Attend design meetings with you, your staff and the Owner's representative(s) as may be required prior to the issuing of the contract documents for the purpose of coordinating and expediting the design process.
- Field documentation of existing systems for inclusion with the project drawings as required.
- Coordinate with any City code and enforcement agencies for all code related requirements.
- Preparation on bond paper and electronic PDF, originals of mechanical and electrical project drawings.
- Preparation on bond paper and electronic PDF, originals of mechanical and electrical project technical specifications.
- Drawings shall be produced and sent to BG Consultants for submittal to KDHE and the City of Osawatomie for review and approval.
- Provide reasonable assistance prior to bid letting for questions relating to the MEP construction documents. Issue project addendas thru BG Consultants as may be necessary.
- As required, discuss City, KDHE or other applicable AHJ review comments and incorporate any required modifications or responses into MEP bid documents and issue thru BG Consultants.
- Provide reasonable assistance throughout construction relating to MEP questions arising during construction. Issue written documentation thru BG Consultants as may be required to address these questions.
- Review of MEP related shop drawings.
- Review of O&M Manuals and contractor supplied As-Built drawings.
- Provide (1) final site visit at the conclusion of construction with a site observation report summarizing any recommended final corrective actions.

EXCLUSIONS:

- All existing building and any site CAD background plans will be furnished to LSA by others. LSA not responsible for providing electronic CAD backgrounds. It is assumed that these plans will be furnished by BG Consultants.

- Modifications of existing MEP related systems are planned as indicated above to provide proper replacement of the indicated equipment and meet current code requirements. At this time, no other systems are planned for. If additional power, HVAC, controls or otherwise not directly related to the equipment replacement are desired, additional fees may be required. It is not anticipated these items will be required at this time.
- Security, telecom, controls or other special systems shall be designed by others.
- Detailed cost estimation.
- Written reports, analysis or presentations.
- Scope of work beyond that previously discussed.
- Significant redesign after 50% design or after bid letting.
- Supervise contractor pre-bid conference.
- Assist in receipt of bids.
- Process Contractor Pay Applications.
- Review project completion and retainage.
- CAD As-Builts.

Based on our conversations with BG Consultants and the above scope of work, we propose to provide the above mentioned Engineering services for a total fee of \$5,300 (Five Thousand Three Hundred Dollars).

ADDITIONAL SERVICES:

- Any work performed attendant to this project, but outside the above scope and parameters, shall be reimbursed at basic hourly rates scheduled for the personnel involved unless otherwise agreed. No additional work shall commence prior to agreement by Owner, BG and LSA.
- If desired, LSA can provide additional construction administration duties including project meeting attendance, regular site visits, etc. If these services are requested, an additional proposal can be provided or hourly rates may be used for what additional work is desired based on extent of needs.

PAYMENTS:

Payments to Latimer, Sommers and Associates, P.A. shall be made as follows: Monthly invoices will be sent based on current completed services for design and construction administration with payment due within 30 days of receipt. For services outlined above, \$4,750 of total service fees shall be due upon execution of the construction contract documents with the remainder due upon submission of the final site observation report. Any additional service fees requested shall be billed monthly as required.

Payments for Engineering services shall not be contingent upon project financing or project bid acceptance. Should redesign of any portion of the project be necessary as indicated above and require additional fees, these fees shall be agreed to by all parties prior to the commencement of the redesign efforts.

MODIFICATION AND TERMINATION

This Agreement may be modified or amended only by written instrument signed by the parties, and the Consultant's compensation and time of performance of the Agreement shall be adjusted if such modification or amendment affects them.

The Client may terminate this Agreement at any time upon seven days written notification to the Consultant.

The Consultant upon seven days written notification to the Client if the Client is in breach of any of its provisions or if the Project is suspended for 60 days or more may terminate this Agreement.

Don Cawby, City Manager
Osawatomie WWTF Belt Press Improvements
September 25, 2013
Page 4 of 4

Following termination by the Client or the Consultant, Consultant shall be reimbursed for all expenditures made in good faith in accordance with the terms of this Agreement that are unpaid at the time of termination, including a proportionate share of the Consultant's Fee.

LIMITATION OF LIABILITY

In recognition of the relative risks and benefits of the project to both the Client and the Design Professional, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of the Design Professional and his or her sub-consultants to the Client and to all construction contractors and subcontractors on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of the Design Professional and his or her sub-consultants to all those named shall not exceed \$250,000.00. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

MISCELLANEOUS PROVISIONS

The law in effect at the location of the Project shall govern this Agreement.

We appreciate the opportunity to work with you on this project, please let us know how we may be of further assistance on this project or any others. If you have additional questions, please contact me to discuss further.

If you concur with the items listed in this contract, please sign and return one copy, retaining the original for your files.

Sincerely,

Eric Hethcoat, P.E.

City of Osawatomie

Date



Latimer, Sommers and Associates, P.A.

MANUFACTURING QUOTE



ROBERT RUNG
5050 Kansas Ave.
Kansas City Ks. 66106

OFFICE 800-475-1444 Ext. 311

rrung@tents4sale.com

Date: 10/10/13

Name: City of Osawatomie
Company
Address: 2139 Main P.O. 37
Osawatomie, KS 66064
Phone: (913) 753-2146
Email:

SHIP DATE: TBD

WEIGHT:

Item description	QTY	Unit Price	Amount
30x60-Exp Frame Tent	1	\$ 5,743.00	\$ 5,743.00
1"x42" Single Head Steel Stakes	14	\$ 14.00	\$ 196.00
2" Ratchet:	14	\$ 18.00	\$ 252.00

Signature: _____ Date: _____ Quote Amount: \$ 6,191.00
Shipping Quote: _____

Please sign for acceptance of this quote and return via fax to: 913-735-2752 Total: \$ 6,191.00

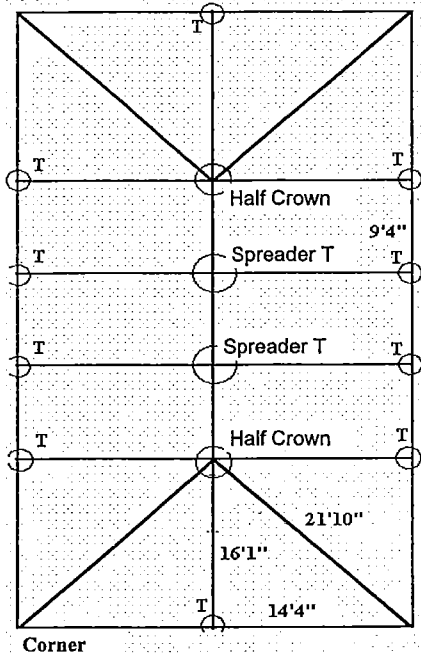
NOTE: Quote is valid for 30 Days

PAYMENTS:

A 25% non-refundable deposit is due at the time that the order is placed (unless with preapproved credit). A higher deposit maybe required for specialty items. Once we receive the deposit, then the order will be changed from a quote status into a Sale. At this time we can schedule your tent for production & give a shipping time frame. Payment must be paid in full and certified 48 hours before order is shipped, unless with preapproved credit or your order will be delayed. Net 30 past due invoices will be subjected to collection costs, including but not limited to, attorney's fees and court cost. Interest at one and one-half percent (1.5%) per month will be added on past due accounts.

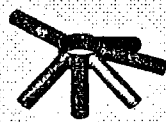
All Seasons Tent Sales

30 x 60 Frame Tent Set Up Instructions

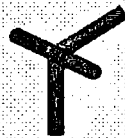


Pipe			
QTY	SIZE	COLOR	Style
4	21'10"	Orange	Hip Rafter
10	16'1"	Brown	Rafter
8	14'4"	Red	Spreader
9	9'4"	White	Spreader
14	7' 8"	Black	Legs

Components	
QTY	Style
2	Half Crown
4	Regular Corners
10	Regular T's
2	Spreader T
14	Weights / Stakes
14	Ropes
76	Tent Pins
Optional Items	
1	Brace Package
3	Spreader Cables
14	Ratchets
14	Baseplates



Half Crown



Regular T



Corner



Spreader T

Pre-Site Inspection- Call your local utility companies prior to installation for any underground obstructions.

1. Layout the frame parts in the estimated location pertaining to the diagram. The spreader pipe is placed out to form the perimeter, and the rafters are laid in the interior location.

2. Start with one of the Half Crowns. Attach the hip rafters (21' 10" orange) to the Half Crown at the second and fourth points by sliding the pole over the fitting and lining up the holes in the pole with those in the fitting. Place a pin in the first hole to secure the pole in place.

3. Attach the Rafter poles (16' 1" brown) to the remaining points - one, three, and five of the Half Crown using the same technique as in step 2.

4. Attach a spreader (9'4" white) to the Half Crown, and connect it to the Spreader T. Connect another spreader (9'4" white) to the second Half Crown from the Spreader T. Repeat steps 2 & 3.

5. Attach the two remaining poles (16' 1" brown) to the Spreader T.

6. Connect the corner fittings to the hip rafter by sliding the pole over the fitting. Line up the hole of the pole with the first hole of the fitting and place a pin.

7. Join the regular t fittings to the poles by sliding the pole over the fitting. Line up the hole of the pole with the first hole of the fittings and place a pin.

8. The perimeter is ready for assembly. Connect the Regular T's to the corners using the spreaders (14'4" red) and connect the regular t's to the regular t's using the spreaders (9'4" white). Slide the poles over the fittings, line up the holes, and pin the pole and fitting together. When all of the spreaders have been secured in place, the frame will be complete.

NOTE - The tent top now needs to be laced together. It is best to do this on the ground along the length of the frame if space permits. The tent can be laced together while over the frame, but is more difficult and time consuming.

OMIT next step if 1 Piece Top

Lace the tent together: A) Line up the two crown patches in the middle of the tent section (the lace end will always be on the bottom). Starting in the middle and working out, B) Pull the first lace up through the first small grommet. C) Pull the second lace through the second grommet. D) Pull the second lace through the first lace's loop. E) Pull the third lace through third grommet. F) Pull the third lace through the second lace's loop. Repeat steps B through F down the lace line of the tent until the third grommet from the edge of the tent is reached, the third lace should be twice as long as all of the other loops (referred to as double loop). When the tent is laced down to the third grommet (the double loop), pull the remaining 2 laces through the remaining 2 grommets. Loop the second lace from the tent perimeter into the first lace (the lace is now going towards the direction of the double loop). Pull the third lace (double loop) through the second loop. The third lace (double loop) should now be strung through 2 loops (the second loop and the fourth loop). Tie-off the double loop with the fourth lace so the loops can not come loose. Note: This does not in anyway affect the strength of the tent; it holds the tent sections together. A simple double knot is effective. After lacing each section, you will need to fasten down the rain flap that covers the lace line by clipping the spring clips onto the rain flap closer rope.

9. Place the tent top over the frame, by spreading the tent out on the 60' side and flapping the tent top while pulling it over the top. This, flapping, will make it easier to go over the frame and prevents any snags.
10. Secure the tent top to the frame by fastening the straps on the inside of the tent at each corner location.
11. Start at one corner and manually lift the frame so that the leg (7'8" black) can slide over the corner fitting. Pin the leg to the fitting. (When raising the tent, raise INTO the wind)
12. Proceed to work your way around the tent putting one leg in at a time until all legs are standing and pinned.
13. Now that the frame tent is erected, fasten the rest of tent top completely to the frame, using the straps on the inside of the tent. Make sure that all of the straps are tight and that the tent top is sitting evenly over the frame.
14. Drive a stake about four feet out from each leg and tie off the rope or ratchet to each leg.

Your tent installation is now complete.

