

**OSAWATOMIE CITY COUNCIL
AGENDA**

October 11, 2012

7:00 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 13 and September 27 Council Meetings
 - B. Approve October 11 Agenda
 - C. Appropriation Ordinances 12-17 & 12-18
5. Comments from the Public; Presentations
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
6. Public Hearing – None
7. Unfinished Business
 - A. Ward Realignment Ordinance
8. New Business
 - A. Appointments – Fourth Ward Councilmember
 - B. Court Fee Ordinance
9. Council Reports
10. Mayor’s Report
11. City Manager’s Report
12. Executive Session
13. Adjournment

MEETING/WORK SESSION – October 25, 2012

REGULAR MEETING – November 14, 2012

Osawatomie, Kansas. **September 13, 2012.** The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:00 p.m. Council members present were Dickinson, Farley, Govea, Hunter, LaDuex, Maichel, and Moon. Absent was Klein. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Robert Kerr, Webster Hawkins, and Coleen Truelson.

CONSENT AGENDA. Approval of the minutes of August 9 and August 23 Council Meetings, approval of September 13 Agenda, and approval of Appropriation Ordinances 12-15 & 12-16. Motion made by Hunter, seconded by LaDuex to approve the minutes of August 9 and August 23 Council Meetings both as amended, approval of September 13 Agenda as amended, and approval of Appropriation Ordinances 12-15 & 12-16. Yeas: All

Public Participation; Presentations: none

Public Hearing: none

Unfinished Business:

WARD REALIGNMENT. The goal in creating the two maps was to move boundary lines as little as possible and keep current council members in their current wards. When redistricting, case law has been that the new boundaries should be no more than 5% from the average size for all districts. Council agreed on the new boundaries and the City Manager will draw a new map.

New Business:

APPOINTMENTS.

Parks & Recreation Committee

Lisa Farley

The Parks & Recreation Committee selected Lisa Farley to recommend to the Council. Motion made by Hunter, seconded by Govea to approve the appointment. Yeas: Dickinson, Govea, Hunter, LaDuex, Maichel, and Moon. Abstain: Farley. Motion passed. Abstention counted as a prevailing vote.

League of KS Municipalities

delegates: #1 City Manager Cawby and #2 Maichel
alternates: #1 Govea and #2 Moon

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

KMIT members representative

City Manager Cawby

Motion made by Maichel, seconded by LaDuex to approve the appointment. Yeas: All.

PROCLAMATION – NATIONAL REHABILITATION AWARENESS WEEK, SEPTEMBER 16–22. Proclamation was to declare the week of September 16th as National Rehabilitation Awareness Week and to recognize Miami County Medical Center’s work in the community. Motion made by Dickinson, seconded by Hunter to approve the proclamation. Yeas: All.

RESOLUTION – LIBRARY OPERATIONS. The director of the Northeast Kansas Library System (NEKLS) voiced his displeasure with the “consolidation” of the Library with the City. The primary complaints were that the new arrangement violated the statutory rights and responsibilities of the Library Board and therefore, the relationship put the Osawatomie Library’s state grant funds in jeopardy.

In 2011 the issue was brought before the State Library Board and no action was taken on the Library's grant funding. However, the Osawatomie Library Board believes that time was given to "fix" the current agreement. While being doubtful that any written agreement or arrangement will completely satisfy the state officials, the Library Board has drafted a revised agreement that they hope will put this issue to rest. The current version of the agreement has been edited by the City Manager and City Attorney from the version provided by the Library Board. The edits were intended to be substantive, but only to update the context of the agreement and to hopefully clarify responsibilities. The Council changed some items for better clarification.

ORDINANCE – SUMMARY PUBLICATION OF ORDINANCES. Kansas law has changed so that instead of publishing the entire ordinance in the official newspaper, a city may opt to follow the new law and publish a summary of the ordinance. The ordinance also contains language that allows publication of an entire ordinance, should the Governing Body decide to do so. Motion made by Moon, seconded by Hunter to approve the ordinance changing the printing of ordinances to a summary publication. Yeas: All. The Ordinance was assigned No. 3702.

2012 STANDARD TRAFFIC ORDINANCE. Motion made by Moon, seconded by Hunter to approve the ordinance adopting the 2012 Standard Traffic Ordinance. Yeas: All. The Ordinance was assigned No. 3703.

2012 UNIFORM PUBLIC OFFENSE CODE. Motion made by Hunter, seconded by Maichel to approve the ordinance adopting the 2012 Uniform Public Offense Code. Yeas: All. The Ordinance was assigned No. 3704.

APPROVE BIDS FOR SKID TRENCHER. The 2013 budget includes \$25,000 for a mini-skid trencher. It would allow staff to access hard to reach places and allow the burying of electric lines on the west side of town. When looking at trenching the ball fields for installation of the irrigation system and replacing the electric lines for the outfield lights, the equipment was needed earlier. The equipment was rented for the ball diamonds light project, and bidders were asked that any rental cost be applied to the purchase price. The trencher would also provide flexibility by getting into back yards with a bucket and snow removal on smaller sidewalks and paths.

	skid trencher	backfill blade	trencher attachment	Freight	TOTAL
Ditch Witch Sales, Inc. Olathe, KS	\$19,499.00	\$1,660.00	\$4,807.00	\$0.00	\$25,966.00
Ditch Witch of Omaha Omaha, NE	\$19,849.00	\$1,857.00	\$4,925.00	\$500.00	\$27,131.00
Ditch Witch Sales, Inc. Collinsville, IL	\$20,490.76 \$500.00	\$1,740.03 \$100.00	\$5,222.41 \$160.00	\$760.00	\$28,213.20

The low bid will Motion made by Maichel, seconded by Hunter to approve the purchase of the mini-skid trencher from Ditch Witch Sales of Olathe for \$25,966.00 to be adjusted for machine rental already paid. Yeas: All.

Council Reports:

Maichel: There are homes from the flood in her ward that need to be condemned. City Manager Cawby said there have been six houses identified including those in her ward. The Police Department

needs a decibel meter for noise.

Hunter: The Freedom Festival is Saturday and Sunday.

LaDuex: The Friends of the Library will be having breakfast on the battlefield for a fundraiser.

Govea: This week is the registration deadline for the new horseshoe league. The Parks & Recreation Committee talked about the pool. Will be starting a basketball league.

Farley: Need to be judicious about the summary publication.

Moon: October 13 will be the 10th anniversary of the Fire Department's Open House. Met with Union Pacific about the deaths the last few years at the railroad crossings. There was discussion about putting a fence up. Shelagh Wright resigned from the Chamber of Commerce but will continue to do support work until someone is hired.

Mayor's Report: none

City Manager's Report:

Library. There needs to be an amendment to the joint resolution with the Library board to appease the State Library Board that the City's Board still has authority.

Projects:

Sewer Plant. The plant continues to have problems. Brian Kingsley, BG Consultants, will be at the work session to discuss the needed repairs.

Swimming Pool. There have already been discussions with BG Consultants on being the pool planners. Their preliminary estimates are significantly lower than what was expected.

Issues:

Grant Application. A grant application has been submitted to the Baehr Charitable Trust Foundation for \$35,000 for new playground equipment for the Cole Sports Complex. They have funded playground equipment in the past. If approved, the City would need to provide the installation and any additional money over the \$35,000.

Position Posted. Lynette Mersman will be retiring in the next few months. The Accounting Officer position has been posted and will be open until filled.

Communications Training. Attended the 3CMA conference in Portland Oregon, an organization focused on communications professionals in local governments. Obtained a tremendous amount of new ideas and a real focus on how to portray the community to the world. The first step is needed improvements to the website. Thought also needs to begin about how to change the communication style with the citizens as the way they communicate is rapidly changing. Real insight was gained on getting community feedback and looking for ways to engage citizens in activities. Communication improvements will be crucial to real improvements in the community.

EXECUTIVE SESSION – PERSONNEL MATTER OF NONELECTED PERSONNEL. Motion made by LaDuex, seconded by Hunter to recess into executive session for personnel matters of nonelected

personnel, to include City Manager Cawby and City Attorney Wetzler; and that the Council will resume the open meeting in this room at 8:53 p.m. No action taken.

Motion made by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Osawatomie, Kansas. **September 27, 2012.** The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:30 p.m. Council members present were Dickinson, Govea, Hunter, LaDuex, Maichel, and Moon. Absent were Farley and Klein. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Brian Kingsley, Shelagh Wright, Scott Shreve, Web Hawkins, and Coleen Truelson.

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

POOL PLANNING CONTRACT – BG CONSULTANTS. Tom Arpin, a principal with BG Consultants, is an experienced pool designer for smaller communities. BG met with the Recreation Director and the Parks & Recreation Committee. They had a very productive meeting and there is a comfort level with BG's experience and approach. BG quoted \$17,502 to complete a planning and preliminary design phase. City would have a facility design with detailed cost estimates to be used as the basis for any financial decisions and public vote. Motion made by Maichel, seconded by Govea to authorize the Mayor to sign the contract with BG for pool planning and design for \$17,502. Yeas: All.

SEWER PLANT PROJECT & CONTRACT – BG CONSULTANTS. The main area of concern is the headworks, which has numerous operational issues from a spiral screen that is falling apart, a grit chamber that continues to break down, and concrete that is in advanced disrepair because of modifications to the original design. BG Consultants did preliminary reviews and looked at a couple of cost effective options. BG ran these repairs by the Kansas Bureau of Water of KDHE to make sure they would be well received and they have responded. Kingsley generated cost estimates based on the only reasonable option. He is also reviewing optimization for ways to reduce operational costs and fix some of the issues with peak flows and low flows. A sludge press needs to be looked at because it has become difficult to find land to apply the sludge and the disrepair of the sludge truck. The consideration of these additional items needs to be a part of any discussion when looking at potential funding mechanisms and sewer rates. Motion made by Hunter, seconded by LaDuex to approve the contract with BG Consultants for the headworks reconstruction for \$132,300. Yeas: All.

RICE CONVERSION CONTRACT – EXLINE. Completed negotiations with Exline, Inc. of Salina, Kansas for contract of \$242,036 for the installation of catalytic converters on the three generators at the Power Plant, includes a performance bond. Motion made by Maichel, seconded by LaDuex to approve the contract with Exline, Inc. for the RICE conversion of the generating units for \$242,036. Yeas: All.

POLICE CAR PURCHASE. Found a 2010 Dodge Charger from Joe Watt Police Cars in Vinita, Oklahoma, who specializes in used police vehicles. City Manager suggested considering a change in the financial policies to allow for the purchase of used vehicles up to a certain amount or possibly just on police vehicles. Motion made by Moon, seconded by Hunter to approve the purchase of a used police car not to exceed \$14,000. Yeas: All.

RESIGNATION OF COUNCILMEMBER JOHN KLEIN. Mayor Dudley met with Council President Hunter, Vice-President LaDuex, and Councilmember Maichel to have their recommendation to fill the vacancy. Their recommendation was Nick Hampson. Motion made by Hunter, seconded by Moon to accept the resignation of Councilmember John Klein. Since Klein's resignation was only received a few days ago, the Council wanted to give time for other people to step forward if they were interested. Will be handled at the next Council meeting.

City Manager Updates: none

Motion made by Maichel, seconded by Hunter to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 12-17

DATE WARRANTS ISSUED:
September 30, 2012

Page No. 1

AN ORDINANCE MAKING APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS.

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

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

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Payroll 09/07/12			85,690.35
Payroll 09/21/12			94,886.77
FICA 09/07/12			6,205.00
FICA 09/21/12			6,897.42
KPERS			13,624.04
KMEA - GRDA	electricity	1290	98,342.28
Crawford Sales	Budweiser	40237	213.90
Midwest Distributors	Miller	40238	167.40
Terry Long	installed door	40239	1,575.00
KMEA - Hydro	hydroelectric	1291	2,754.71
Dell Marketing	toner cartridge	40240	208.99
City of Osawatomie	petty cash reimbursement	1292	3,410.54
Bob's Sales	recharge fire extinguishers	40241	171.90
Void		40242	-
Dylan Hill	overpaid on Police fine	40243	200.00
Kansas City Wilbert	grave openings	40244	950.00
Suddenlink	internet	40245	59.95
Trojan Times USD 367	ad	40246	80.00
Brad Waggoner	Pro Shop	40247	1,115.85
Kerry Altenbernd	historical preformance	40248	75.00
Philip Barbour	frontier artisan demonstration	40249	75.00
Deb Bisel	historical presentation	40250	200.00
Kansas River Gang	historical performace	40251	300.00
KWJP Radio	advertising - Freedom Festival	40252	75.00
Lewis Case	frontier artisan demonstration	40253	75.00
The Lecompton Reenactors	historical performace	40254	75.00
Doug McGovern	historical performace	40255	130.00
Old Cowtown Vintage Baseball Team	baseball team	40256	250.00
Void		40257	-
Crawford Sales	Budweiser	40258	149.15
Beachner Grain	cat food, weed killer	40259	166.93
Bradley A/C & Heating	repair air conditioners	40260	376.92
City of Osawatomie	utilities	40261	16,223.00
The Cow Palace	stew meat for Freedom Festival	40262	48.75
Dish	service	40263	88.50
Freedom Festival	horse bounty, powder bounty	40264	500.00
KDHE	wastewater operator exam	40366	25.00
L & K Services	refuse, lids for dumpsters	40367	32,161.19
Miami County Extension	soil test	40368	16.00
Suddenlink	internet	40369	74.24

TFMComm, Inc.	damaged tower antenna	40370	859.00
Reserve Account	postage meter	40371	1,200.00

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Ditch Witch Sales	mini skid steer	40372	25,966.00
AT&T	RTU's	40373	221.15
BGF Consultants	street improvements	40374	2,531.04
Don Cawby	airline tickets for conference	40375	308.20
Discover Mid-America	ad - Freedom Festival	40376	192.00
Elliott Insurance Inc. Paola	quarterly premium	40377	43,210.00
International Code Council, Inc.	membership	40378	125.00
Kansas Dept. of Revenue	compensating use tax	40379	548.48
Kansas Dept. of Revenue	sales tax	40380	14,340.17
Kansas Gas Service	power plant	40381	27.50
Ricoh Americas Corp.	copier lease	40382	183.90
Kelsey Schlesener	Council scholarship	40383	200.00
Tahirkheli & Farley, LLC	court appointed attorney	40384	150.00
Visa	DVD's, conference, misc	40385	1,632.99
KMEA - EMP1	electricity, transmission	1293	56,725.97
Donna & Viola's Shirts	recreation shirts	40386	1,089.00
Crawford Sales	Budweiser	40387	182.40
Kansas City Power & Light	service	40388	1,933.24
KDHE - Bureau of Water	water operator certificate	40389	20.00
Kansas Gas Service	services	40390	237.52
Osawatomie Rotary Club	membership dues	40391	120.00
S & R Enterprise	mowing weed lots	40392	340.00
Suddenlink	internet	40393	59.95
Osa. Chamber of Commerce	balance of appropriation	40394	20,000.00
Delta Dental	dental insurance	40395	2,745.06
Surrency	vision insurance	40396	450.26
Coventry	health insurance	40397	18,543.52
Vision Service Plan	vision insurance	40398	852.07
Century Link	long distance	40399	366.98
Century Link	services	40400	2,193.91
Century Link	RTU's	40401	236.56
First Option Bank	loan Golf Course irrigation	40402	17,290.32
Kansas Agri Business Expo	certification	40403	140.00
Lybarger Oil	fuel	40404	12,826.67
Northern Tool & Equipment	shop equipment	40405	270.98
Postmaster	utility billing	40406	1,000.00
Ricoh USA, Inc.	copies	40407	587.25
Sprint	service	40408	24.25
Wal-Mart Community	soccer balls, food	40409	248.46
City of Osawatomie	petty cash reimbursement	1294	1,186.73
			599,005.31

Record of Ordinances

ORDINANCE NO. 12-18

DATE WARRANTS ISSUED:
October 11, 2012

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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
Airgas USA	oxygen cylinder	40413	87.80
American Textile Mills	grease rags, supplies	40414	419.05
ASC Pumping Equipment	repair station controls	40415	910.00
Baker & Taylor	books	40416	1,232.21
Bearing Headquarters Company	shaft, repair seal	40417	5,040.00
Bernie Electric Wholesale, Inc.	fuses	40418	65.65
Blue Valley Tractor & Supply	mower parts	40419	128.51
Bollings Bargain Bonanza	screws, tape	40420	12.95
Brenntag Mid-South, Inc.	hypochlorite	40421	1,635.00
Brewer's Automotive Repair	tires	40422	268.56
BSN Sports	shoulder pads, mask	40423	784.15
C & G Merchants Supply, Inc.	trash bags, chips, candy bars	40424	322.18
Champion Brands, LLC	oil, paint, supplies	40425	462.46
Civic Plus	website upgrade	40426	6,700.00
Diamond Vogel Paint Center	glass beads for stripping paint	40427	58.00
EMG	energy consulting fees	40428	1,088.80
Entersect	police online	40429	158.00
Environmental Laboratories, Inc.	analytical service	40430	367.00
Evco Wholesale Food Corp.	gatorade, hot dogs	40431	311.86
Family Center	parts	40432	890.33
Fastenal	stainless steel bolts	40433	109.95
Richard M. Fisher, LLC	court appointed attorney	40434	1,000.00
Galls	trousers, stinger lamps	40435	464.43
Gerken Rental	portable restrooms, misc. for FF	40436	1,556.00
GNC Enterprises, Inc.	oil	40437	269.87
Goodyear Wholesale Tire	tire	40438	107.17
Grainger	switch	40439	242.07
Graybar	wire, supplies	40440	288.06
H & H Administrators	administration fees	40441	1,269.00
Helena Chemical Co.	grass seed, fertilizer	40442	1,190.50
J.P. Cooke Co.	animal tags	40443	56.07
John Deere Landscapes	fertilizer, grass seed	40444	1,081.85
Kansas One Call Concepts	locates	40445	44.80
KelCon Technologies, Inc.	troubleshooting	40446	112.50
Killough Construction, Inc.	asphalt	40447	706.95
Kincaid Ready Mix	concrete	40448	769.13
Kriz Davis Co.	electric line supplies	40449	2,592.83
The Law Office of Bryan Meyer	court appointed attorney	40450	340.00
League of Kansas Municipalities	std traffic ord. uniform offense code	40451	266.99
Martin Pringle Attorney at Law	city attorney	40452	4,910.30

Menu Advertising & Design	ad	40453	100.00
Miami County Sheriff's Office	prisoner care	40454	1,200.58

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Miami Lumber, Inc.	ceiling tile	40455	40.00
Void		40456	-
Moon's IGA	supplies	40457	1,021.54
National Sign Company, Inc.	signs	40458	809.90
ND&H	court appointed attorney	40459	265.00
NEKLS	DVD's	40460	78.40
NPG Newspapers, Inc.	ads	40461	1,041.66
O'Donnell & Sons Construction	asphalt	40462	160.23
Oil Patch Pump & Supply, Inc.	supplies	40463	99.52
Olathe Winwater Works	poly inserts, saddles	40464	338.70
Oldcastle Architectural	mulch	40465	161.33
The Ottawa Herald	ad - Freedom Festival	40466	237.15
Paola Hardware	supplies	40467	31.52
Pepsi Beverages Company	Pepsi	40468	238.85
Quill	office supplies	40469	123.31
Read It Free	ad - Freedom Festival	40470	85.00
Red Bud Supply, Inc.	gloves	40471	58.89
Rejis Commission	web subscription	40472	31.50
R/S Electric Motor Services	repair electric motor	40473	950.00
Rural Water #1	service	40474	207.25
Rural Water #3	ETI	40475	16.50
Scott S. Michie Planning Services	zoning	40476	1,973.50
Smith & Loveless, Inc.	replace pista seal	40477	1,041.63
Smitty's Lawn & Garden Equipment	saddle, blade	40478	99.40
Stanion Wholesale Electric	electric line supplies	40479	971.63
Debbie Talley	Memorial Hall janitorial	40480	375.00
Tech Air	stainless steel strips	40481	60.00
Tri County Ice	ice machine	40482	50.00
UPS Store	mail packages	40483	41.32
UZ Engineered Products	chrome spot lamp	40484	210.98
Van Wall Equipment	replace engine	40485	3,084.76
Vernon's Electric & Repair	rebuilt alternator	40486	185.00
Wade Quarries	rock	40487	434.17
Westfall GMC Truck, Inc.	element	40488	65.61
Winfield Solutions, LLC	home plate clay	40489	520.00
Winkler, Domoney & Schultz	Municipal Court Judge	40490	2,000.00
Winterscheid Auto Parts	parts	40491	602.05
WinWholesale	conduit, electric cover	40492	299.00
Wycoff's Locksmithing	switch lock	40493	150.36
YMCA	City share wellness program	40494	22.50
Zep Sales & Service	cleaning supplies	40495	110.73
			57,915.45



STAFF AGENDA MEMORANDUM

DATE OF MEETING: October 11, 2012

AGENDA ITEM: Ward Realignment

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: At the September 13 meeting the City Council reached consensus on a proposal for realignment. That proposal has been provided to the County Clerk for comments and has been put into ordinance format for your adoption.

The County Clerk responded that she and her staff saw no problems with the proposed Ward changes and they should be able to be legally adopted as new precincts if the County Commission agrees. The new Wards are all within 5% of the new average ward size, based on the 2010 Census.

The attached map and table shows the change which would occur, moving 123 people (noted by the areas shaded in purple) from the 3rd Ward to the 4th Ward.

In order to get this change in place for the next election cycle in early 2013, we need to pass an ordinance and provide these changes to the County Clerk.

COUNCIL ACTION NEEDED: Review and vote on the ordinance as presented.

STAFF RECOMMENDATION TO COUNCIL: Approve the ordinance.

(Published in the Osawatomie Graphic, October 17, 2012) 1t

ORDINANCE NO. ____

AN ORDINANCE DESIGNATING THE ELECTION WARDS OF THE CITY OF OSAWATOMIE; AND AMENDING CHAPTER SIX, ARTICLE TWO, SECTIONS 6-202, 6-203, 6-204 AND 6-205 OF THE CODE OF THE CITY OF OSAWATOMIE, KANSAS.

WHEREAS, the City has four wards established by the City Code from which the City's Councilmembers are elected to the Governing Body; and

WHEREAS, the 2010 Census determined the population of the City of Osawatomie to be 4,447 persons and the optimal ward size to be 1,112 persons; and

WHEREAS, the Third Ward population was determined to be 1,276 persons, which is 14.75 percent above the optimal size, and the Fourth Ward population was determined to be 962 persons, which is 13.49 percent below the optimal size, and the First Ward and Second Ward were less than 5.0 percent variance from the optimal size; and

WHEREAS, the Governing Body believes that all persons of the community should be represented as equally and fairly as possible, and that the City should strive to keep all Ward sizes within 5.0 percent deviation from the optimal size; and

WHEREAS, the City does hereby amend Chapter Six, Article Two of the Code of the City of Osawatomie to establish new boundaries for its Wards to create more even and balanced distribution among its Wards.

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

Section 1. That existing Sections 202, 203, 204 and 205 of Chapter Six, Article Two of the Code of the City of Osawatomie is hereby amended to read as follows:

6-202. First Ward. The First Ward shall consist of that part of the city lying east and north of a line extending from the centerline of Old Kansas City Road from the north becoming Sixth Street extending south to Brown Avenue and then extending east along the centerline of Brown Avenue to Fourth Street and then extending on east along the centerline of Mill Street to O'Neal Street and extending north along the center line of O'Neal Street to Main Street and then extending east along the centerline of Main Street.

6-203. Second Ward. The Second Ward shall consist of that part of the city lying west and north of a line extending from the centerline of Old Kansas City Road from the north becoming Sixth Street extending south to Brown Avenue and then extending west along the centerline of Brown Avenue to Twelfth Street and then extending north along the centerline of

Twelfth Street to Main Street and then extending west along the centerline of Main Street to Lockhart Lane and then extending north and west along the centerline of Lockhart Lane to Parker Avenue and then extending to the west along the centerline of Parker Avenue.

6-204. Third Ward. The Third Ward shall consist of that part of the city lying south and west of a line extending from the centerline of Plum Creek Road from the south extending north to W 359th Street which becomes Sixth Street and extending north to Kelly Avenue and extending to the west along the centerline of Kelly Avenue to Plum Creek Road and continuing on west along the city limits line to the point at which the main line of the Union Pacific Railroad tracks intersect with the city limits and extending back to the north and east along the mainline of the Union Pacific Railroad tracks to Eighth Street and extending north along the centerline of Eighth Street to Brown Avenue and extending west along the centerline of Brown Avenue to Twelfth Street and extending north along the centerline of Twelfth Street to Main Street and extending west along the centerline of Main Street to Lockhart Lane and then extending north and west along the centerline of Lockhart Lane to Parker Avenue and then extending to the west along the centerline of Parker Avenue.

6-205. Fourth Ward. The Fourth Ward shall consist of that part of the city lying south and east of a line extending from the centerline of Plum Creek Road from the south extending north to W 359th Street which becomes Sixth Street and extending north to Kelly Avenue and extending to the west along the centerline of Kelly Avenue to Plum Creek Road and continuing on west along the city limits line to the point at which the main line of the Union Pacific Railroad tracks intersect with the city limits and extending back to the north and east along the mainline of the Union Pacific Railroad tracks to Eighth Street and extending north along the centerline of Eighth Street to Brown Avenue and then extending east along the centerline of Brown Avenue to Fourth Street and then extending on east along the centerline of Mill Street to O'Neal Street and extending north along the center line of O'Neal Street to Main Street and then extending east along the centerline of Main Street.

Section 2. EXISTING SECTION REPEALED. Sections 6-202, 6-203, 6-204, and 6-205 of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 11th day of October, 2012.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

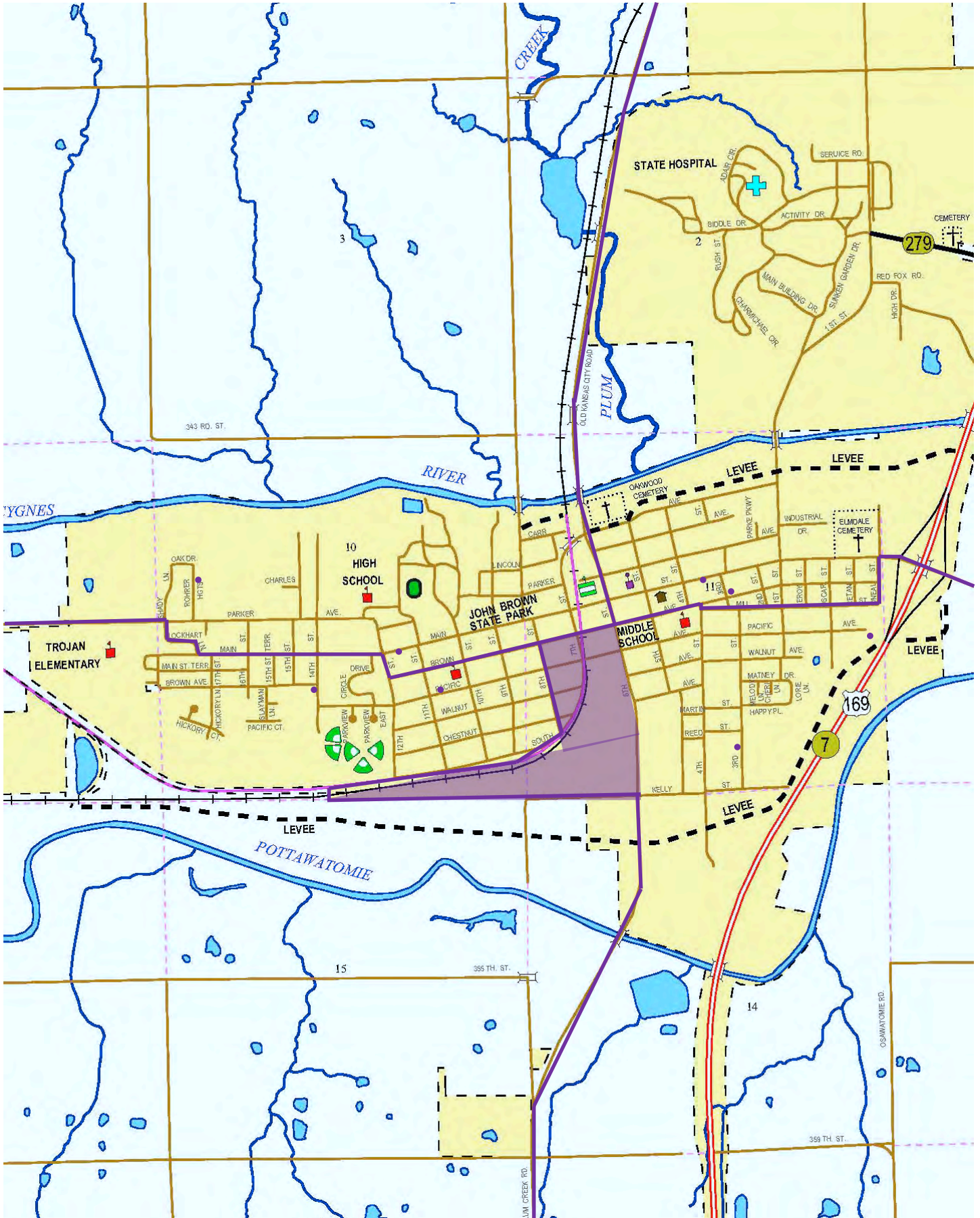
ATTEST:

Ann Elmquist
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler, City Attorney

Purple Proposal - Ward Boundaries



Census By Ward

<u>Ward</u>	<u>Population</u>	<u>Difference from Avg</u>	<u>%</u>
1	1,131	19	1.71%
2	1,078	(34)	-3.06%
3	1,276	164	14.75%
4	962	(150)	-13.49%
Total	4,447	Avg	1,112

Purple Proposal

CHANGES

<u>Ward</u>	<u>1&2</u>	<u>2&3</u>	<u>3&4</u>	<u>4&1</u>	<u>Total</u>
1	-	-	-	-	-
2	-	-	-	-	-
3	-	-	(123)	-	(123)
4	-	-	123	-	123

<u>Ward</u>	<u>Pop. Change</u>	<u>New Population</u>	<u>Difference from Avg</u>	<u>Percent from Avg</u>
1	-	1,131	19	1.71%
2	-	1,078	(34)	-3.06%
3	(123)	1,153	41	3.69%
4	123	1,085	(27)	-2.43%
Total	-	4,447	-	-



STAFF AGENDA MEMORANDUM

DATE OF MEETING: October 11, 2012

AGENDA ITEM: Charter Ordinance for Court Costs and Sentencing Fees

PRESENTER: Richard Wetzler, City Attorney
Bob Butters, Assistant Police Chief

ISSUE SUMMARY: In May, the Council passed a Charter Ordinance to allow the City to establish court fees for alternative sentencing, probation, prisoner care and other costs areas that weren't allowed by our current ordinances. This is something that many jurisdictions have been doing to offset the cost of court operations.

The Charter Ordinance passed without protest, so we are following the charter ordinance with a regular ordinance to allow the judge to impose these new court fees. This ordinance is written to allow those fees to be set by the judge with a monetary limit. Originally we considered placing the fees in the Council's fee ordinance. However, to do so, would likely create an administrative headache as the costs tied to them, such as probation and alternative sentencing programs, will fluctuate. This ordinance seems like a simpler and easier solution.

COUNCIL ACTION NEEDED: Consider the proposed ordinance.

STAFF RECOMMENDATION TO COUNCIL: Approve the ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1. SECTION 111 AND 112 OF THE CODE OF THE CITY OF OSAWATOMIE PERTAINING TO COURT COSTS AND FEES OF THE MUNICIPAL COURT.

WHEREAS, Chapter IX, Article 1, of the Code of the City of Osawatomie, Kansas sets forth provisions for the operation of the municipal court of the City of Osawatomie.

WHEREAS, the Governing Body has by Charter Ordinance Number 12 exempted itself from the provisions of K.S.A. 12-4112, and provided substitute and additional provisions which authorize the Governing Body to establish fees and costs for the Municipal Court.

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

Section 1. Code Amended. Section 9-111 of the Code is hereby amended to read as follows:

1-203. COURT FEES AND COSTS. The Municipal Judge shall not less than annually establish a schedule of fees and costs to be imposed by the court in connection with processing and handling of matters in the Municipal Court of the City of Osawatomie. Such fees and costs are hereby set in an amount not to exceed \$500 in the sound discretion of the municipal judge. Further such fees and costs shall be in addition to any assessments which the Court is obligated to impose pursuant to applicable statutes of the State of Kansas and in addition to the basic Court Cost fee, which will be established by the City Council in its annual fee ordinance. Such fees and costs shall include, but are not limited to, additional court costs, imprisonment fees, medical reimbursement fees, warrant fees, probation or parole supervision fees program fees and such other and additional fees and costs as are necessary for the administration of the Court's services.

Section 2. Existing Sections of Code Repealed. Section 9-111 and section 9-112 of the Code of the City of Osawatomie, Kansas are hereby repealed.

Section 3. Take effect. This ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body this 11th day of October, 2012.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk



MEMORANDUM

To: Mayor and City Council
From: Don Cawby, City Manager
Re: **Projects & Issues Update**
Date: October 11, 2012

Projects

Sewer Rates. At the next meeting we will continue our discussion on sewer rates as it relates to the proposed project and the continued operation. As you might recall, during the sewer plant improvement discussion I suggested about a \$0.40 per thousand rate increase over current rates. I will bring you a couple of scenarios for the next meeting, but it will be a discussion between what portion of the rate should be in the base and what should be built into the usage rate.

Swimming Pool. The Parks & Recreation Committee met Tuesday night to go over some preliminary plans and to start prioritizing features. I have suggested that Ryan and I, along with any Committee members that can make it, do a day tour of 4-5 like sized pools in the area to look at all aspects of the pool operation.

Zoning Regulations Update. On Wednesday, October 24, Scott Michie will be presenting to a joint meeting of the City Council and the Planning Commission on a first rough draft of zoning regulation updates. Scott has been feeding this to me in pieces and I am commenting as I go along. Our plan is to have this completed this Saturday and for Scott to make the necessary adjustments or note the issues for discussion at the meeting. I really like the format changes he has made. There are some policy implications to some of the simplification suggestions he has made and my task is to highlight those for both the Council and the Commission for discussion in two weeks.

Mold. A few weeks ago I completed a RFP for remediation. However, after walking through the RFP it raised a number of additional questions. We need to make some operational and timing decisions about the gymnasium, the evidence room and other portions of the proposal before we put it out to bid. I also think I need to have a discussion with our insurance company about coverage on this that most likely isn't linked to a single event.

Issues

Fuel Card Changes. Staff recently came to me with a proposal to help me solve a couple of issues. For the past several months, I was pushing for a fueling system to accurately account for fuel usage and to track vehicle consumption. Staff is proposing moving from City owned tanks to using Lybarger Fuel's fueling system at the Co-Op. This proposal would allow us to track fuel for each vehicle, to enter

odometer or hour meter readings, and to track each purchase by employee. We would no longer be paying a delivery surcharge for fuel delivered to our shop and would receive a discount of about 3% on their fleet program. There is no cost to change to the system and the City will be able to better track fuel costs without putting in an expensive tracking system. I also believe that becoming a fueling customer will help keep this 24-hour fueling station in our community.

ETI Building. Tomorrow I am meeting with representatives from the Department of Commerce, our realtor and a prospective tenant for the ETI building. The proposal that is on the table is a short term lease with a purchase option at the end of the lease. I would expect that there will be some requests for the City to take on a portion of the costs during the lease period. Most likely those would be repairs and maintenance, property taxes and possibly some insurance. I will come back to you with a proposal, but I want you to be aware that this conversation is occurring.

LKM. I discovered some good ideas and vendors at the LKM meeting this year, as I am sure the Mayor and Councilwoman Maichel did as well. My areas of interest after this meeting are liability and property insurance reviews, improving our utility billing operations, taking better advantage of our county's GIS resources and building trust within our community.

Soldier's Monument. As you probably read in the newspaper, the Soldier's Monument received National Historic Register designation. Currently staff and volunteers are working on improving the site and we hope to see some improvements next spring. Margaret Hays indicates we should hear about the Old Stone Church before too long.

Accounting Position. Last week we interviewed eight individuals for our Accounting Officer position. We are currently checking references and hope to have an offer made tomorrow. Lynette has agreed to hang around a couple extra weeks to help with the transition.

Recognition

I missed my chance at the last meeting, but I wanted to recognize William Bradshaw for his excellent timing and courage while delivering a baby a few weeks ago. It is especially cool because he and his wife had a baby of their own only a few months ago.

Upcoming Meetings/Dates

October 24 Joint City Council/Planning Commission Worksession
October 25 City Council Meeting
November 8 City Council Meeting

Manager's Out-of-town Schedule

October 19-21 Weekend Trip to Illinois