

**OSAWATOMIE CITY COUNCIL**  
**AMENDED AGENDA**  
October 24, 2013  
6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Invocation – *Virginia Adams, Osawatomie Community of Christ*
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 Minutes of September 12 and September 26 Council Meetings
  - B. Approve October 24 Agenda
6. Presentations; Comments from the Public
  - A. Virginia Adams, Osawatomie Community of Christ
  - B. Presentation by Preston Miller with the Kansas Energy Office**
  - C. Public Comments

*Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
7. Public Hearing – Kansas Water Revolving Loan Fund Application
8. Unfinished Business
  - A. Ordinance Adopting Zoning Regulations
9. New Business
  - A. Appointments – none
  - B. Consider Cancellation of 2<sup>nd</sup> November Meeting
10. Council Reports
11. Mayor’s Report
12. City Manager’s Report
13. Executive Session
14. Adjournment

*REGULAR MEETING – November 14, 2013*

*REGULAR MEETING – November 21, 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 Constitutionality has been questioned and the US Supreme Court will hear arguments during this current session. 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 considered. 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: Expressed concerns from citizens 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, September 27. Attended Greeley's BBQ event. Osawatomie will be holding their first BBQ contest October 25 and 26<sup>th</sup>.

#### 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 1<sup>st</sup> Street (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-mark the property fr private use. The properties purchased for \$500 each were: 101 Happy Place, the west half f the Indian Ridge Development; 820 3<sup>rd</sup> Street, the ~~ereek~~ **drainage ditch** 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 betters results for the new contracts this year. However, there are some issues with KMEA power that still needs to be investigated. Discussed Shreve coming in October to begin to craft an electric incentive and also to get rolling 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. Has adhered by 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.

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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, Subdivison 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.

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Ann Elmquist, City Clerk



## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** October 24, 2013

**AGENDA ITEM:** **Public Hearing - Sewer Revolving Loan**

**PRESENTER:** Don Cawby, City Manager

**ISSUE SUMMARY:** With the decision to move forward with the Sludge Press before our state revolving loan has been finalized by KDHE, we are recommending that we reapply for the loan that includes both the head works project and the sludge press. To do so, in September 12 the Council reissued the resolution authorizing the City to apply for the loan.

At this meeting, the Council will again conduct a public hearing on the loan. Once this is done, the City will approve the loan documents at the November 14 meeting, and the loan should be finalized.

Attached is a copy of the public hearing notice and the project budgets from BG Consultants as approved by the Council.

**COUNCIL ACTION NEEDED:** Conduct the hearing.

**STAFF RECOMMENDATION TO COUNCIL:** None.

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(Published in the  
Osawatomie Graphic,  
October 16, 2013)

**PUBLIC NOTICE**  
**CITY OF OSAWATOMIE**  
**PUBLIC MEETING**

The City of Osawatomie, Kansas in Miami County will hold a public meeting, Thursday, October 24, 2013 at 6:30 p.m. at Memorial Hall, 411 11th Street, Osawatomie, Kansas 66064 for the purpose of considering an application to be submitted to the Kansas Department of Health and Environment KWPCRF (Kansas Water Pollution Control Revolving Fund) Loan. The specific project application to be discussed is improvements to the Wastewater Treatment Plant, 29366 West 347th Street, Osawatomie, KS 66064. The Wastewater Treatment Plant improvements are located in an area generally bounded by the Osawatomie City Limits. Improvements include a new mechanical

multirake barscreen, grit separation equipment, concrete masonry building, sludge press and operating components. These improvements are required to remove inorganic solids from the wastestream and properly convey the average daily and peak daily flow rates that are experienced at the Wastewater Treatment Plant. The estimated project cost and loan request is \$1,275,000.

Other project proposals introduced at the meeting will be considered. Oral and written comments will be recorded and become part of the City of Osawatomie's SRF Citizen Participation Plan.

Reasonable accommodations will be made available to persons with disabilities. Requests should be submitted to Don Cawby, City Manager by 1:00 p.m. Wednesday, October 23, 2013, call 913-755-2146. (1t)

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Engineer's Opinion of Probable Project Cost  
Headworks Improvements, Osawatomie, Kansas  
12-1061L  
September 4, 2012

ALTERNATIVE NO. 3A: NEW ¼ inch BAR SCREEN AND NEW GRIT CHAMBER

<u>Item</u> <u>Description</u>	<u>Estimated</u> <u>Quantity</u>	<u>Units</u>	<u>Unit</u> <u>Price</u>	<u>Total</u> <u>Price</u>
1 Mobilization	Lump Sum		\$ 23,500.00	\$ 23,500.00
2 Clearing and Grubbing	Lump Sum		\$ 500.00	\$ 500.00
3 Bypass Piping Installation	Lump Sum		\$ 6,500.00	\$ 6,500.00
4 Bypass Pumping Operations	Lump Sum		\$ 7,500.00	\$ 7,500.00
5 Concrete Structure Modifications	Lump Sum		\$ 42,500.00	\$ 42,500.00
6 Multi-Rake Mechanical Barscreen (1/4")	Lump Sum		\$ 108,500.00	\$ 108,500.00
7 Non Potable Washwater Assembly	Lump Sum		\$ 5,000.00	\$ 5,000.00
8 Washer Compactor Equipment	Lump Sum		\$ 68,000.00	\$ 68,000.00
9 Grit System Replacement	Lump Sum		\$ 110,000.00	\$ 110,000.00
10 New Equipment Installation	Lump Sum		\$ 27,000.00	\$ 27,000.00
11 Old Equipment Demolition	Lump Sum		\$ 12,000.00	\$ 12,000.00
12 Control Upgrade and Electrical Installation	Lump Sum		\$ 15,000.00	\$ 15,000.00
13 New Headworks Building	Lump Sum		\$ 175,000.00	\$ 175,000.00
			Construction Cost	\$ 601,000.00
			Contingency (10%)	\$ 60,100.00
			Total Construction	\$ 661,100.00
			Design Engineering	\$ 72,800.00
			Construction Inspection	\$ 59,500.00
			Legal, Administration and Financing	\$ 19,800.00
			<b>Total Opinion of Project Cost</b>	<b>\$ 813,200.00</b>

ALTERNATIVE NO. 3B: NEW 1/8 inch BAR SCREEN

<u>Item</u> <u>Description</u>	<u>Estimated</u> <u>Quantity</u>	<u>Units</u>	<u>Unit</u> <u>Price</u>	<u>Total</u> <u>Price</u>
1 Mobilization	Lump Sum		\$ 18,000.00	\$ 18,000.00
2 Clearing and Grubbing	Lump Sum		\$ 500.00	\$ 500.00
3 Bypass Piping Installation	Lump Sum		\$ 6,500.00	\$ 6,500.00
4 Bypass Pumping Operations	Lump Sum		\$ 6,000.00	\$ 6,000.00
5 Concrete Structure Modifications	Lump Sum		\$ 35,000.00	\$ 35,000.00
6 Multi-Rake Mechanical Barscreen (1/8")	Lump Sum		\$ 150,000.00	\$ 150,000.00
7 Non Potable Washwater Assembly	Lump Sum		\$ 5,000.00	\$ 5,000.00
8 Washer Compactor Equipment	Lump Sum		\$ 68,000.00	\$ 68,000.00
9 New Equipment Installation	Lump Sum		\$ 18,000.00	\$ 18,000.00
10 Old Equipment Demolition	Lump Sum		\$ 12,000.00	\$ 12,000.00
11 Control Upgrade and Electrical Installation	Lump Sum		\$ 15,000.00	\$ 15,000.00
			Construction Cost	\$ 334,000.00
			Contingency (10%)	\$ 33,400.00
			Total Construction	\$ 367,400.00
			Design Engineering	\$ 46,600.00
			Construction Inspection	\$ 35,200.00
			Legal, Administration and Financing	\$ 11,000.00
			<b>Total Opinion of Project Cost</b>	<b>\$ 460,200.00</b>

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
<b>Total Project Cost</b>					<b>\$ 454,016.00</b>



## 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.

**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			
<b>AG</b>	All	NA			Required Front Yard	10 ft	NA
<b>R-1</b>	< 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
<b>R-2</b>	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
<b>R-3</b>	All	1,800 sq. ft.	1	1	Established Front Yard	5 ft	20' Sidewall
<b>R-4</b>	All	400 sq. ft.	1 total		Established Front Yard	5 ft	10' Sidewall
<b>C-B</b>	All	400 sq. ft.	1 total		Established Front Yard	Principal Structure	10' Sidewall
<b>G-B</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.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADOPTING ZONING REGULATIONS, SUBDIVISION REGULATIONS, FLOODPLAIN REGULATIONS AND THE ZONING DISTRICT MAP FOR THE CITY OF OSAWATOMIE, KANSAS; AMENDING AND REPEALING CHAPTER 16, ARTICLE 2 OF THE CITY OF OSAWATOMIE MUNICIPAL CODE.

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

LEGISLATIVE FINDINGS: On *November 29, 2012* the Planning Commission of the City of Osawatomie initiated a proposal for revision of the City's Zoning and Subdivision Regulations.

The Planning Commission, pursuant to K.S.A. 12-749 and 12-757, has made tentative recommendations for such changes and thereafter caused to be published a notice of time in the official City newspaper that a public hearing would be held on the 29th day of May, 2013, at Memorial Hall, 411 11<sup>th</sup> Street, for the purpose of considering such proposed amendments.

At said meeting duly held in accordance with state law, upon proper motion and second, *a majority* of the membership of the Planning Commission recommended changes and have transmitted said recommendations to the Governing Body of the City of Osawatomie; and

The Governing Body of the City of Osawatomie has considered the recommendations of the Planning Commission and examined the proceedings of the Planning Commission, and find them all in order and conformity with City ordinances and state statutes.

SECTION ONE: Code Amended. Chapter 16, Article 2, of the Code of the City of Osawatomie are hereby amended to read as follows:

16-201. ZONING AND SUBDIVISION REGULATIONS INCORPORATED. There are hereby incorporated by reference as if set out fully herein, the zoning and subdivision regulations adopted by the Governing Body of the City of Osawatomie, Kansas, as prepared by the City and consisting of Ordinance No. \_\_\_\_\_ and entitled, "Zoning Regulations, Subdivision Regulations & Floodplain Management Regulations for the City of Osawatomie, Kansas." No fewer than three copies of these regulations marked "Official Copy as Incorporated by the Code of the City of Osawatomie" and to which there shall be a published copy of this section attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours. (Ord. \_\_\_\_; Ord. 3576; Ord. 3644; Ord. 3645; Ord. 3650 Sec. 1; Code 2008)

16-202. ZONING MAP ADOPTED. That the Zoning Districts Map entitled "Official Map of the City of Osawatomie, Kansas Zoning Districts" is hereby adopted as a part of the zoning regulations. The boundaries of the districts are shown on the Official Zoning Districts Map, which together with all notations, references, and other information shown thereon, is as much a part of the zoning regulations as if such notations, references, and other information were specifically set forth therein. Such map shall be filed in the office of the City Clerk.



SECTION TWO: Repeal. Previous ordinances and any parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION THREE: Effective Date. This Ordinance shall be in full force and effect from and after its publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas, this 24<sup>th</sup> day of October, 2013.

APPROVED AND SIGNED by the Mayor.

(SEAL)

\_\_\_\_\_  
L. Mark Govea, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Ann Elmquist, City Clerk

\_\_\_\_\_  
Richard S. Wetzler, City Attorney

**CITY OF OSAWATOMIE - BUDGET REPORT**

<b>DATE: Sept 2013</b>	<b>BUDGETED</b>	<b>REIMBS</b>	<b>EXPENDITURES</b>	<b>UNEN BALANCE</b>
<b>GENERAL</b>				
Administration	601,627.00		435,541.33	166,085.67
Sports Complex				-
Public Safety	906,283.00		654,693.72	251,589.28
John Brown Cabin	45,666.00		26,096.51	19,569.49
Public Works	237,059.00		189,036.27	48,022.73
Swimming Pool	18,146.00		4,375.56	13,770.44
Cemeteries	103,327.00		61,751.94	41,575.06
Parks & Lakes	-		-	-
Municipal Court	108,417.00		79,961.52	28,455.48
Levees & Storm Water	7,000.00		6,122.59	877.41
Library	140,136.00		93,565.50	46,570.50
<b>TOTAL</b>	<b>2,167,661.00</b>	<b>-</b>	<b>1,551,144.94</b>	<b>616,516.06</b>
<b>WATER</b>				
Administration	265,761.00		184,753.11	81,007.89
Water Treatment	854,353.00		255,334.60	599,018.40
Water Distribution	212,437.00		129,901.35	82,535.65
<b>TOTAL</b>	<b>1,332,551.00</b>	<b>-</b>	<b>569,989.06</b>	<b>762,561.94</b>
<b>ELECTRIC</b>				
Administration	762,610.00		719,188.93	43,421.07
Electric Production	2,459,643.00		1,632,529.64	827,113.36
Elect Transmission	583,267.00		341,991.59	241,275.41
<b>TOTAL</b>	<b>3,805,520.00</b>	<b>-</b>	<b>2,693,710.16</b>	<b>1,111,809.84</b>
EMPLOYMENT BENEFIT	613,556.00	68,980.06	573,479.46	109,056.60
REFUSE	376,700.00		259,209.65	117,490.35
LIBRARY	26,000.00		25,570.83	429.17
RECREATION	13,456.00		11,451.61	2,004.39
RURAL FIRE	43,720.00		17,707.78	26,012.22
INDUSTRIAL	41,500.00		56,716.53	(15,216.53)
REVOLVING LOAN	-			-
SPECIAL PARKS & REC	240,278.00	1,490.00	219,182.70	22,585.30
ST IMPROVEMENT	129,000.00	94.42	76,659.28	52,435.14
BOND & INTEREST	752,788.00		560,202.50	192,585.50
PUBLIC SAFETY EQUIP.			789.79	(789.79)
FIRE INS PROCEEDS	15,500.00		-	15,500.00
SEWER	836,250.00		737,436.14	98,813.86
REC EMP BENEFITS	2,419.00		1,344.01	1,074.99
GOLF COURSE	249,090.00	1,247.05	214,322.94	36,014.11
SPECIAL REV (FIRE EQUIP)			-	-
SPECIAL REVENUE (911)	9,897.00		-	9,897.00
LLEBG GRANT			-	-
TOURISM	46,250.00	195.00	57,936.07	(11,491.07)
DISASTER				-
CAPITAL - GENERAL	40,000.00		397,782.86	(357,782.86)
CAPITAL IMP. - STREET				-
CAPITAL IMP - SEWER			-	-
CAPITAL IMP - GRANTS			382,247.37	(382,247.37)
CAFETERIA 125 #50			25,789.09	(25,789.09)
COURT ADSAP #51	3,000.00		-	3,000.00
COURT BONDS #52	20,000.00		6,662.01	13,337.99
FOREITURES #53	3,000.00		200.00	2,800.00
OLD STONE CHURCH #54				-
PAY PAL #55				-
<b>GRAND TOTAL</b>	<b>10,768,136.00</b>	<b>72,006.53</b>	<b>8,439,534.78</b>	<b>2,400,607.75</b>

## CITY OF OSAWATOMIE - CASH FLOW REPORT

Date: Sep 2013	BEGINNING BALANCE	REVENUE	EXPENDITURES	CASH BALANCE	ENCUMBERANCES (ORD.)	CASH BALANCE 9/30/2013
GENERAL OPERATING	111,384.68	1,821,412.14	1,551,144.94	381,651.88		381,651.88
WATER	176,092.76	601,028.46	569,989.06	207,132.16		207,132.16
ELECTRIC	531,388.20	2,893,117.52	2,693,710.16	730,795.56		730,795.56
EMPLOYEE BENEFIT	52,082.33	608,260.37	504,499.40	155,843.30		155,843.30
REFUSE	6,251.94	290,164.80	259,209.65	37,207.09		37,207.09
LIBRARY	115,753.52	14,181.38	25,570.83	104,364.07		104,364.07
RECREATION	713.87	10,737.74	11,451.61	-		-
RURAL FIRE	762.88	12,325.32	17,707.78	(4,619.58)		(4,619.58)
INDUSTRIAL	61,237.37	34,318.25	56,716.53	38,839.09		38,839.09
REVOLVING LOAN	72,758.43	-	-	72,758.43		72,758.43
SPECIAL PARKS & REC	91,072.82	199,671.54	217,692.70	73,051.66		73,051.66
STREET IMPROVEMENTS	99,271.65	89,932.59	76,564.86	112,639.38		112,639.38
BOND & INTEREST	96,891.99	741,576.69	560,202.50	278,266.18		278,266.18
PUBLIC SAFETY EQUIP.	9,847.11	11.14	789.79	9,068.46		9,068.46
FIRE INS PROCEEDS	0.84	-	-	0.84		0.84
SEWER	335,551.80	608,188.48	737,436.14	206,304.14		206,304.14
RECREATION BENEFIT	-	1,344.01	1,344.01	(0.00)		(0.00)
GOLF COURSE	4,803.83	196,390.38	213,075.89	(11,881.68)		(11,881.68)
SPECIAL REVENUE (911)	9,897.41	-	-	9,897.41		9,897.41
LLEBG GRANT	-	-	-	-		-
TOURISM	9,423.13	56,031.61	57,741.07	7,713.67		7,713.67
EVIDENCE LIABILITY	14,361.29	-	-	14,361.29		14,361.29
CAPITAL - GENERAL	357,726.90	99,075.80	397,782.86	59,019.84		59,019.84
CAPITAL IMP. - STREETS	19,158.54	-	-	19,158.54		19,158.54
CAPITAL IMP - SEWER	-	-	-	-		-
CAPITAL IMP - GRANTS	164,801.26	590,000.00	382,247.37	372,553.89		372,553.89
CAFETERIA 125 # 50	4,925.74	42,233.88	25,789.09	21,370.53		21,370.53
COURT ADSAP # 51	6,911.00	750.00	-	7,661.00		7,661.00
COURT BONDS # 52	6,521.37	6,778.50	6,662.01	6,637.86		6,637.86
FORFEITURES # 53	57.29	400.00	200.00	257.29		257.29
OLD STONE CHURCH # 54	-	-	-	-		-
PAYPAL # 55	95.65	-	-	95.65		95.65
<b>TOTALS</b>	<b>2,359,745.60</b>	<b>8,917,930.60</b>	<b>8,367,528.25</b>	<b>2,910,147.95</b>	<b>-</b>	<b>2,910,147.95</b>