

OSAWATOMIE CITY COUNCIL  
**REVISED** AGENDA  
November 12, 2015  
6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Invocation –
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. November 12 Agenda
  - B. Minutes for October 8 and October 29 Meetings
  - C. Appropriations Ordinance 2015-09**
  - D. Appropriations Ordinance 2015-10**
6. Comments from the Public
  - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
7. Presentations
8. Public Hearings
9. Unfinished Business
  - A. Rural Fire Contract – Proposed Agreement
10. New Business
  - A. Resolution – Intersection Control Map update
  - B. Discussion - November Elections
11. Council Reports
12. Mayor's Report
13. City Manager's Report
14. Executive Session
15. Other Discussion/Motions
16. Adjournment

*REGULAR MEETING – November 19, 2015*

*SPECIAL MEETING – December 1, 2015*

*REGULAR MEETING – December 10, 2015*

Osawatomie, Kansas. **October 8, 2015.** 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, Hunter, LaDuex, Hampson, and Wright. Council member Maichel and Walmann were absent. Also present was City Manager Don Cawby. Members of the public were: Dave Arteberry, Jim Nixon, John Wastlund, and Jennifer McDaniel.

**INVOCATION.** Invocation by pastor John Wastlund.

**CONSENT AGENDA.** Approval of October 8<sup>th</sup> agenda and Approval of August 27<sup>th</sup> and September 9<sup>th</sup> Minutes with the stipulation of adding names of members of the public that were absent from the minutes. **Motion** made by LaDuex, seconded by Hunter to approve the Consent Agenda as presented. Yeas: All.

**COMMENTS FROM THE PUBLIC.**

James Nixon, Business Vice President Sales Manager with Diebolt LLC (doing business since 1951) wanted to introduce himself and the company. Diebolt builds postframe buildings and homes while meeting building needs and saving money. Would like the opportunity to bid in the future.

**PRESENTATIONS.** None

**PUBLIC HEARINGS.**

**CDBG APPLICATION PHASE 2 MAIN STREET REPLACEMENT.** Opened public hearing at 6:39 p.m., asked public three (3) times, no one had any comments. Closed public hearing at 6:44 p.m.

**UNFINISHED BUSINESS.**

**RESOLUTION – BOND OFFERING FOR ELECTRIC REVENUE BONDS.** Dave Arteberry of George K. Baum & Associates, the City's Financial Advisor, explained to the Council that there are three (3) steps that need to take place. The first step was to authorize the project, which has already been completed. The second step is to authorize the sale of the bonds which is the current step the Council is undergoing. The third step is to pass the bond resolution, which will be done at a later date. Currently the bond council is preparing legal documents, getting the bonds rated and insured, and will be marketing the bonds to investors before we can get to the third and final step. **Motion** made by LaDuex, seconded by Hunter to approve the Resolution-Bond Offering for Electric Revenue Bonds. Yeas: All.

**NEW BUSINESS.**

**ORDINANCE – CONFLICT OF INTEREST AND CODE OF ETHICS SANCTIONS.** City Manager Cawby explained that CDBG has required updated compliance forms to move forward with our projects. **Motion** made by Hunter, seconded by LaDuex to approve the Ordinance – Conflict of Interest and Codes of Ethics Sanctions. Yeas. All.

**RESOLUTION – AUTHORITY TO APPLY FOR CDBG PROJECT.** City Manager Cawby explained that this resolution will authorize Mayor Mark Govea to sign all necessary documents for this project as well as allow us to authorize and dedicate the match for the project. **Motion** made by LaDuex, seconded by Hunter to approve the Resolution – Authority to Apply for CDBG Project. Yeas: All

**RESOLUTION – OPERATION AND MAINTENANCE OF CDBG PROJECT.** City Manager Cawby explained that this resolution is required and states that the City will continue with the maintenance and operation of the improvements. **Motion** made by Hunter, seconded by LaDuex to approve the Resolution – Operation and Maintenance of CDBG Project. Yeas: All

### **COUNCIL REPORTS.**

Hunter: He had two positive comments to share regarding the Osawatomie Police Department. First, he appreciated the Code Red alerts he received when an OSH patient was missing and then once they were found. Second, his doorbell rang in the middle of the night to notify him that he had left his garage door open.

Hampson: Spoke of Homecoming for the Osawatomie Trojans on the following night and the tailgating that would be happening before hand. Also wanted to remind the public of the Boy Scout's Spaghetti Feed that would be the following day as well.

**MAYOR'S REPORT.** Merwin Rice, with the Osage Valley Masonic Temple, wanted to invite the Council to their 150<sup>th</sup> year anniversary dinner.

### **CITY MANAGER'S REPORT.**

A couple of departments are short-handed on staff with illnesses and employees that have left employment with the city.

The City now is accepting credit/debit card payments in the office as well as online.

The electric project is moving along, trucks will be bringing in parts as well as the new generators will be coming in next week.

Next week we will see that the water project will be starting on the 7<sup>th</sup> to 12<sup>th</sup> street areas on Main Street. They will be hooking up services from 1<sup>st</sup> to 5<sup>th</sup> street and we will see them starting to close those holes.

The Chamber and Miami County Legislative Dinners are coming up in the next couple of weeks if the council was interested in attending.

**EXECUTIVE SESSION.** None

**OTHER DISCUSSION/MOTIONS.**

**Motion** made by Hunter, seconded by LaDuex to adjourn. Yeas: All. Mayor declared the meeting adjourned at 7:12 p.m.

/s/ Ashley Kobe  
Ashley Kobe, Clerk

Osawatomie, Kansas. **October 29, 2015.** The Special Council Meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:30 p.m. Council members present were Dickinson, Hampson, Hunter, LaDuex, Maichel, Walmann and Wright. Absent was Farley. Also present were City Manager Don Cawby, and Acting Clerk Tammy Seamands. Members of the public present were Jennifer McDaniel, Brian Kingsley, Debra Huss and Pat Huss.

**INVOCATION.** Debra Huss, Let There Be Light Fellowship.

**UNFINISHED BUSINESS.**

**MAIN STREET WATER LINE PROJECT – PAY APPLICATION #1.** City Manager Cawby reviewed the pay application from Nowak Construction and recommended the approval of the pay application. **Motion** made by Hunter, seconded by Dickinson to approve the Pay Application #1 for the Main Street Water Line Project. Yeas: All.

**CONTRACT FOR ADMINISTRATION OF CDBG GRANT – GOVERNMENTAL ASSISTANCE SERVICES.** Governmental Assistance Services needs a signed agreement with the city before proceeding. **Motion** made by LaDuex, seconded by Hunter to approve the Contract for Administration of CDBG Grant with Governmental Assistance Services. Yeas: All

**CONTRACT FOR DESIGN SERVICES FOR CDBG APPLICATION – BG CONSULTANTS.** The city needs an agreement in place for Phase Two (2) of the Main Street Improvements Project. Brian Kingsley with BG Consultants went over the contract explaining and answering any questions. **Motion** made by LaDuex, seconded by Hunter to approve the Contract for Design Services for CDBG Application. Yeas: All.

**NEW BUSINESS.**

**APPOINTMENT – BRIAN KING TO PUBLIC SAFETY COMMITTEE.** **Motion** made by LaDuex, seconded by Hunter. Yeas. All.

**WAIVER OF LIEN ON 403 CHESTNUT.** **Motion** made by Hunter, seconded by Hampson to waive all future potential assessments for 403 Chestnut for activities done prior to acquisition by Willis Graves. Yeas: All

**PROPOSAL FOR ENGINEERING SERVICES FOR GENERATION/DISTRIBUTION PROJECT – JEO.** JEO proposal for the first portion of engineering work related to adding the generators to the city's distribution system. **Motion** made by LaDuex, seconded by Hunter for the approval of the Proposal for Engineering Services for the Generation/Distribution Project. Yeas: All

**Motion** made by Hunter, seconded by LaDuex to adjourn. Yeas: All. The Mayor declared the meeting adjourned at 7:01 p.m.

*/s/ Ashley Kobe*

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Ashley Kobe, Clerk

# Record of Ordinances

ORDINANCE NO. 2015-09

DATE WARRANTS ISSUED:  
September 30, 2015

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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	GRDA Electricity	1656	102,929.62
KMEA	SPA Electricity	1657	5,313.49
KMEA	WAPA Electricity	1658	10,799.89
Midwest Distributors	Miller	46309	336.80
Crawford Sales Company	Budweiser	46310	985.65
5 Star Pump & Control, Inc.	Service Call-Irrigation Pump	46311	462.50
Altec Industries, Inc.	Replace Toggle Switch, Pole Sling	46312	734.88
American Safety Utility Corporation	Coffing Wire Grips	46313	470.13
Anthony Plumbing Co. Inc.	Fixed Faucets	46314	210.00
Baker & Taylor	Books	46315	463.57
Brenntag Mid-South	Sodium Hypochlorite, Robinfloc	46316	21,621.58
C&G Merchants Supply, Inc.	Towels, Chips, Food Tray	46317	89.65
Carrot Top Industries, Inc.	Flags	46318	611.82
CenturyLink	Long Distance	46319	104.54
CenturyLink	Services	46320	1,113.45
Champion Brands, LLC	Wiper Blades, Antifreeze, Oil	46321	622.06
City of Osawatomie	Utilities	46322	11,879.55
Clean Harbors Env. Services	Transformer Recycling	46323	1,492.43
Delta Dental	Dental Insurance	46324	3,279.70
Evco Wholesale Food Corp.	Hot Dogs, Bratwurst, Hamburger	46325	301.29
Family Center	Shop Vac, Coupling, Hitch Pins	46326	687.13
Governmental Assistance Services	Administrative Services	46327	3,361.25
Hach Company	Chlorine Reagent	46328	345.17
Hanes Florist & Greenhouse	Plant	46329	35.00
Hawkins	Aqua Hawk	46330	1,077.50
HD Supply	Upper Stem, Cotter Pin, Clevis Pin	46331	3,272.25
Home Depot	Elbows, Met Surface Raceway	46332	42.36
Kansas City Wilbert	Grave Openings	46333	2,425.50
Kansas Municipal Utilities	Municipal Utility Management Program	46334	800.00
Kansas One Call	Locates	46335	44.00
Kansas State Treasurer	Training Funds	46336	473.00
KC Bobcat	Fuel Filter, Hand Primer	46337	64.81
Kincaid Ready Mix	Asphalt	46338	1,400.13
Lybarger Oil	Fuel	46339	5,336.04
McConnell Machinery Co. Inc.	Clevis Pin, Comer, Roll pin, Sleeve	46340	698.69
Miami Lumber	Lumber	46341	85.50
ND&H Attorneys at Law	Attorney Fees	46342	1,220.00
New Century Dodge	Coolant Bottle, Arm Control	46343	454.40
OO'Reilly Auto Parts	Coolant Hose, Grease, Capsule	46344	56.05
Pepsi	Pop, Gatorade	46345	392.49

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Quill	Copy Paper, Ink, Envelopes	46346	494.85
Reflective Group	Service	46347	93.82
Rejis Commission	Leweb Subscription	46348	32.76
Ricoh USA, Inc.	Copies	46349	19.31
Ron's Small Engine, Inc.	Carburetor Kit	46350	55.60
Ruan Logistics Corporation	Freight for Lime	46351	1,334.89
Rural Water District #1	Services	46352	358.57
Suddenlink	Internet	46353	119.90
T Mobile	Service	46354	44.66
Turfwerks	Field Decoder	46355	321.42
UPS Store	Copies	46356	422.40
Wade Quarries	Gravel	46357	166.05
Winterscheid Auto Parts	Calipers, Brake Pads, Batteries	46358	905.72
Zep Sales	Liners	46359	116.90
City of Osawatomie	Petty Cash Reimbursement	1659	2,710.13
Alamar Utilities	Cargo Pants, Shirts	46360	106.73
Anthony Plumbing Co., Inc.	Cleared Derbis	46361	263.98
Applied Maintenance Supplies	Safety Glasses	46362	205.11
AT&T	RTU'S	46363	222.67
Batteries Plus	Batteries	46364	52.90
Discover Mid-America	Ad-Freedom Festival	46365	192.00
Family Tire and Repair	Tire Repairs	46366	20.00
Generator Services, Inc.	Diagnose Generator Starting Problem	46367	365.25
Gerken Rental	Propane	46368	82.50
Governmental Assistance Service	Grant Application Preparation	46369	8,950.00
GreatLife Golf & Fitness Ottawa	Cart Rental	46370	160.00
John Deere Landscapes	Manicure, Green Flo	46371	231.04
Kansas Department of Commerce	JTC Oil Lease-Oct 2015	46372	1,000.00
Kansas State Treasurer	Registrar and Transfer Agent Fee	46373	630.00
Killough Construction	Asphalt	46374	1,821.35
L&K Services	Refuse, Yard Waste, Sludge Haul Off	46375	35,494.21
Moon's IGA	Beer, Batteries, Cleaning Supplies	46376	403.23
Olathe Winwater Works	Tracer Wire, Plug, Bolts, Gasket	46377	2,325.05
Pace Analytical	Analytical Charges	46378	301.00
Paola Do It Best Hardware	P-Trap, Keys, Adapter, Nifty Grabber	46379	52.69
Print Shoppe	On/Off Sheets	46380	175.00
Redwood Toxicology Laboratory	Drug Testing Supplies	46381	408.50
Smitty's Lawn & Garden	Wheel Bearing, Tire Repair	46382	184.15
Suddenlink	Internet	46383	214.95
Void		46384	-
Void		46385	-
Void		46386	-
Void		46387	-
Void		46388	-
Void		46389	-



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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Void		46390	-
Void		46391	-
American Safety Utility Corporation	Muletape	46392	837.09
Baker & Taylor	Books	46393	1,246.05
Rick Bauck	Vintage Baseball Game	46394	300.00
California Contractors Supplies, Inc.	Plastic Ties, Elect Line Buried Tape	46395	479.94
City of Baldwin City	Electric Meters	46396	2,000.00
Raelynn Croster	Story Teller	46397	121.06
Demco	CD Album, Paper Roll	46398	99.93
Dish Network	Service	46399	98.99
Elliott Insurance, Inc.	Quarterly Premium	46400	38,262.00
EMG, Inc.	Energy Consulting	46401	3,206.25
Richard Fisher, Jr.	Attorney Fees	46402	1,150.00
Michael Frasier	Musical Performance	46403	400.00
Governmental Assistance Services	Environmental Review	46404	2,000.00
Diane Johnson	Wild Animal Display	46405	300.00
KS Department of Agriculture	Duplicate License	46406	5.00
L & B Electronics	Repair Storm Sirens	46407	1,400.00
Lecompton Reenactors	Historical Performance	46408	75.00
Mc Connell Machinery	Arm, Wheel, Inner Tube	46409	358.20
Dee Miller	Story Teller	46410	200.00
NEKLS	Thermal Receipt Printer Rolls	46411	11.00
Oil Patch Pump & Supply	Coupling, Adapter, Bushing	46412	45.69
Emory Platt	Wild West Gunfight	46413	300.00
Protective Equipment Testing Lab	Gloves	46414	564.69
Ricoh	Copier Lease	46415	280.78
Ricoh	Copier Lease-Library	46416	96.87
Ricoh	Copier Lease-PD	46417	183.90
Diane Seba	Artillery Bounty	46418	200.00
State Industrial Products	Magic Mat, All Purpose Cleaner	46419	423.76
Alan Van Lonen	Void	46420	-
Visa	Drive Clutch	46421	463.30
Visa	Quad Copter Drone, Cameras, DVD's	46422	1,310.70
Visa	Lodging, Training, Printer, Postage	46423	817.55
Visa	Handcuffs, Toner, Stapler	46424	498.87
Wilson Electric Motor Service	Surge Test Generators	46425	6,000.00
Winfield Solutions	Fungicide	46426	200.00
Void		46427	-
Crawford Sales Company	Budweiser	46428	229.80
Kansas Assoc. for Court Management	Court Management Conference	46429	125.00
Postmaster	Utility Billing	46430	1,000.00
KMEA	EMP Electricity	1660	24,833.57
David Schaefer	Generators	1661	250,000.00
Kansas Department of Revenue	Sales Tax	1662	13,870.44
Kansas Department of Revenue	Sales Tax	1663	1,492.59

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Kansas Department of Revenue	Compensating Use Tax	1664	1,159.45
United Healthcare	Health Insurance	1665	37,221.05
Altec Industries, Inc.	Hex Nut, Bolt	43431	31.91
Beachner Grain, Inc.	Spreader	46432	25.00
BG Consultants, Inc.	Consulting Services	46433	14,403.86
Jeff Boyle	Consulting Services	46434	112.50
Brenntag Mid-South, Inc.	Sodium Hypochlorite	46435	2,874.97
Brewer's Automotive Repair	Tires, Tubes, Battery	46436	335.76
C&G Merchants Supply, Inc.	Chips, Towels, Cups, Lids	46437	258.76
CenturyLink	RTU'S	46438	236.56
Classic Wood, LLC	Bookcase	46439	275.00
CNH Capital	Clutch, Bearing	46440	458.67
Coleman Equipment	Dial Cam, Dial Label	46441	23.98
Cullum & Brown of KC, Inc.	QT Blower Oil	46442	227.58
Design 4 Printing	Polos	46443	34.00
Douglas Pump Service, Inc.	Rebuild Pump Shaft	46444	8,227.13
Employee Screening Services	Drug Testing	46445	246.00
Evco Wholesale Food Corp.	Gatorade, Hamburger, Bratwurst	46446	634.18
Extreme Collision & Custom	Repair Front Fender	46447	1,252.18
Gallagher Benefit Services	Administrative Services	46448	445.00
Gerken Rent All	Propane	46449	116.00
Grainger	Hose Reel, Thermal Unit, Fuse	46450	477.62
HD Supply Waterworks	Water Lids, Fire Hydrant Wrench	46451	980.74
Helena Chemical	Country Club 21-0-15	46452	160.00
International Code Council	Membership	46453	135.00
JEO Consulting Group, Inc.	Consulting Services	46454	2,240.00
John Deere Landscapes	Fertilizer	46455	200.00
Kansas City Power & Light	Service	46456	2,612.00
Kansas Department of Agriculture	Pound License	46457	250.00
Kansas Gas Service	Services	46458	840.24
Kincaid Ready Mix	Concrete	46459	731.88
Kriz Davis Co.	Wire, Photocontrol, Cold Shrink	46460	29,602.67
Lang Chevrolet	Key	46461	134.22
League of KS Municipalities	City Attorney Meeting	46462	220.00
Legacy Contractors, LLC	Capstone & Beams-Shelter House	46463	11,431.00
Macke's Auto Body, Inc.	Replace Back Glass	46464	291.25
Madden Rental	Portable Toilet Rental	46465	300.00
Maxim Golf Solutions	Consulting Services	46466	2,500.00
Mid-States Energy Works	Repair Generator 5	46467	1,188.10
National Assoc. of School Resource	Resource Officer Course	46468	495.00
National Sign Company	Street Sign	46469	62.80
NPG Newspapers	Resource Guide, Ordinance 3733	46470	493.69
O'reilly Auto Parts	Big Chill	46471	34.99
Olathe Winwater Works	Blue Tracer Works	46472	160.00
Pace Analytical	Analytical Charges	46473	314.00

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Paving Maintenance Supply, Inc.	Valve	46474	42.00
Penny's Concrete, Inc.	Concrete	46475	764.00
Praxair	Cut Tip	46476	29.02
Quill	Ink, Copy Paper, DVD'S, Sleeves	46477	571.02
Reflective Group	Service	46478	757.09
Relectric Supply Co.	Starter Pump	46479	1,140.00
Ricoh	Copies	46480	248.93
RMI Golf Carts	Holder Roof Nut	46481	29.60
Scholastic	Books	46482	31.41
Scott A Michie	Consulting Services	46483	143.00
Sensus	Sensus System Support	46484	1,763.01
Stanion Wholesale Electric	Wire, Connectors	46485	323.27
Mike Stiles	Brome Hay	46486	64.00
Suddenlink	Internet	46487	342.42
Debbie Talley	Memorial Hall Janitorial	46488	375.00
TFM Comm., Inc.	Radios	46489	563.50
Training @Yourplace	Assist Angela	46490	95.00
Uline	Safety Barricade	46491	1,129.92
USD 367 Sport & Fitness Zone	Pool Rental	46492	200.00
Walmart	Printer, Gatorade, DVD'S, Pop, Beer	46493	1,514.52
Water Safety Products	Backboard	49494	428.00
Winfield Solutions, LLC	Thrive Quick Melt	46495	661.50
Payroll 09/04/15			90,746.38
Fica 09/04/15			6,390.83
Payroll 09/18/15			100,602.76
Fica 09/18/15			7,144.89
KPERS			18,142.57
			961,339.56



# Record of Ordinances

ORDINANCE NO. 2015-10

DATE WARRANTS ISSUED:  
October 31, 2015

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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
City of Osawatomie	Petty Cash Reimbursement	1666	5,923.99
First Option Bank	Golf Course Irrigation Loan	1667	17,290.32
KMEA	SPA Electricity	1668	4,922.52
KMEA	WAPA Electricity	1669	9,331.11
KMEA	GRDA Electricity	1670	73,444.82
KMEA	Nearman Electricity	1671	31,878.22
Midwest Distributors	Miller	46496	126.30
Ace Pest Control, LLC	Pest Control	46497	475.00
Anderson County Sheriff's Dept.	Motorola Radios	46498	850.00
Apparatus Services	Pump & Light Tower Repairs	46499	1,264.28
Applied Maintenance Supplies	Hex Sockets with bits	46500	89.60
Arm Scor Cartridge Incorporated	Ammunition	46501	510.00
AT&T	RTU'S	46502	222.67
Atco International	Meltdown	46503	105.00
Baker & Taylor	Books	46504	138.63
Bowes Automotive Products	Oil Filters, Fuel Filters	46505	62.10
Brewer's Automotive Repair	Tubes	46506	55.25
BSN Sports	Basketball Net	46507	6.54
C&G Merchants Supply, Inc.	Chips, Candy	46508	58.75
Century 21, Pool Realty, Inc.	Commission	46509	1,500.00
CenturyLink	Long Distance	46510	94.89
CenturyLink	Services	46511	1,102.55
City of Osawatomie	Dinner-John Brown Jamboree Comm	46512	75.00
City of Osawatomie	Utilities	46513	12,452.48
City of Pleasanton	Pound Fees for Bite Hold	46514	224.00
CJ Feeds & Supply, Inc.	Muck Arctic Hi Black	46515	127.46
Delta Dental of Kansas	Dental Insurance	46516	3,172.76
Division of Accounts & Reports	2013 & 2014 Audit	46517	300.00
Donna & Viola's Shirts & Etc.	T Shirts	46518	100.00
Jordan Doudna	Scholarship	46519	400.00
EMG, Inc.	Energy Consulting	46520	1,008.05
Family Center	Weed Killer, Winch, Dog Food	46521	592.54
Feld Fire	Extinguisher Tags	46522	14.00
Grainger	Test Leads, Breaker	46523	214.55
Hanes Florist	Flowers	46524	38.03
Larissa Harrison	Scholarship	46525	250.00
HD Supply	Water Ring	46526	21.00
JEO Consulting Group	Consulting Service	46527	225.00
K&M Tires	Tires	46528	369.24
K&T Auto	Replace Front Sway Bar Bushings	46529	645.55

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Kansas City Wilbert	Grave Openings	46530	1,090.00
Kansas Department of Commerce	JTC Oil Lease-Nov 2015	46531	1,000.00
Kansas Municipal Utilities	4th Qtr. Dues	46532	2,338.00
Kansas One Call	Locates	46533	32.00
KC Bobcat	Seal Kit	46534	43.32
Killough Construction, Inc.	Asphalt	46535	558.00
Kincaid Ready Mix	Concrete	46536	310.00
Kriz Davis Co.	Fuse, Terminal Pin, Compression Die	46537	2,554.32
KS State Surplus Property	2005 Dodge Ram	46538	11,503.00
KS Turf Grass Foundation	Turf Conference Registration	46539	250.00
L&K Services	Refuse, Sludge Haul Off	46540	34,006.11
Lang Chevrolet	Shaft, Link Kit, Insulator	46541	165.40
Logan Contractors	Surveyor Flags, Nails, Blue Paint	46542	299.30
Lybarger Oil	Fuel	46543	5,817.25
Maceks Auto Body	Door Hinge	46544	100.00
Madden Rental	Portable Toilet Rental	46545	575.00
Martin Pringle	City Prosecutor/Municipal Matters	46546	7,204.71
Maxim Golf Solutions	Cart Rental	46547	485.00
McConnell Machinery Co.	Linch Pin, Sleeve, Roller Bearing	46548	250.20
Loren McCrea	Changed Oil and Brake Calipers	46549	400.00
Miami Co. Fire District #1	Emergency Reporting 4th Qtr.	46550	133.50
Miami County Sheriff's Office	Prisoner Care	46551	1,767.63
Moon's IGA	Top Sirloin, Cleaning Supplies	46552	618.64
National Sign Company, Inc.	Street Signs	46553	203.70
NPG Newspapers	Freedom Festival, CDBG Application	46554	478.91
Oil Patch Pump & Supply, Inc.	Nipple, Tee	46555	17.72
Olathe Winwater Works Co.	Coupling	46556	224.50
Ottawa Herald	Ad-Freedom Festival	46557	259.65
Pace Analytical	Analytical Charges	46558	20.00
Paola Do It Best Hardware	Couplings, Pipe, Cooler, Bit	46559	293.19
Pepsi	Pop	46560	209.58
Pitney Bowes	Postage Meter Lease	46561	189.50
Protective Equipment	Refinish Auxiliary Arm	46562	476.00
Quill	Mouse Pad, Wrist Pad, Headlamp	46563	76.77
R&J Trucking	Rock Delivery	46564	631.75
Regency Coffee & Vending	Coffee	46565	58.44
Ricoh	Copier Lease	46566	280.78
Ricoh	Copier Lease-Library	46567	96.87
Ricoh	Copier Lease-PD	46568	183.90
Rural Water District #1	Services	46569	457.80
Smitty's Lawn & Garden Equipment	Knob, Clutch Harness	46570	45.38
Star Printing	Envelopes	46571	348.00
Mike Stiles	Steel Prisoner Benches	46572	450.00
Suddenlink	Internet	46573	497.42
Superior Vision	Vision Insurance	46574	665.84

## Record of Ordinances

DATE WARRANTS ISSUED:  
October 31, 2015

Page No. 3

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
T Mobile	Services	46575	44.66
TFM Comm, Inc.	Keypads	46576	142.10
Larissa Thompson	Scholarship	46577	250.00
Tri County Ice	Car Wash Tokens	46578	200.00
Peter Trull	Toothbrushes, Solder, Tester, Nails	46579	228.45
USA Blue Book	Solenoid Valve, Safety Pipet Bulb	46580	781.94
Van Keppel Company	Crossbar	46581	227.44
Viking Industrial Supply	Paper Products	46582	298.27
Visa	Fuel	46583	100.26
Visa	Lodging, Flag Pole, Tent Sides	46584	2,696.05
Wade Quarries	Gravel	46585	1,449.97
Winterscheid Auto Parts	Brake Pads, Battery Cable, Calipers	46586	-
Winterscheid Auto Parts	Brake Pads, Battery Cable, Calipers	46587	3,015.78
Zep Sales	DRC Material	46588	235.70
KMEA	EMP Electricity	1672	30,898.27
United Healthcare	Health Insurance	1673	39,404.01
Kansas Department of Revenue	Sales Tax	1674	15,206.49
Kansas Department of Revenue	Compensating Use Tax	1675	407.43
Kansas Department of Revenue	Sales Tax	1676	1,217.02
Kansas State Treasurer	Bond Principal & Interest	1677	192,940.00
Kansas Employment Security Fund	3rd Qtr. Unemployment Fund	1678	553.12
City of Osawatomie	Petty Cash Reimbursement	1679	1,206.36
Visa	Patrol Belt, Sirens, Equipment Bag	46589	407.81
Visa	Targets, Video Rocker, Books, DVD	46590	651.79
Crawford Sales Company	Budweiser	46591	151.40
Reserve Account	Postage	46592	1,200.00
Altec Parts	Bolt, Nut	46593	48.11
Applied Maintenance Supplies	Gloves, Bits, Kwik Change Set	46594	656.35
Baker & Taylor	Books	46595	414.27
BG Consultants	Consulting Service	46596	11,536.10
Brewer's Automotive Repair	Tires, Alignment	46597	1,131.47
C&G Merchants	Towels	46598	28.17
CenturyLink	RTU'S	46599	236.56
CenturyLink	Long Distance	46600	69.26
Champion Brands, LLC	Gloves, Wipers	46601	870.81
CJ Feeds & Supply, Inc.	Boots	46602	127.46
Coleman Equipment	Radiator	46603	379.30
Computers & More, LLC	Filter Mailboxes, Set Up Modem	46604	1,428.25
Cow Palace	Prime Rip	46605	129.00
Cross Midwest Tire Co.	Tires	46606	418.25
Demco	Labels, Jacket Covers	46607	173.53
Ditch Witch	Coupler	46608	38.40
Donna & Viola's Shirts	Shirts	46609	229.50
Elliott Insurance	Add 2005 Dodge Ram	46610	216.00
Fastenal	Bolts	46611	149.65

## Record of Ordinances

DATE WARRANTS ISSUED:  
October 31, 2015

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Richard Fisher, Jr. LLC	Attorney Fees	46612	1,500.00
Gallagher Benefit Services	Administration Fee	46613	445.00
Gerken Rent-All	Propane, Seeder	46614	81.90
Hach Company	Colimeter	46615	467.89
Hawkins	Aqua Hawk	46616	2,533.56
Home Depot	Bulbs, Wire for Basin	46617	334.24
ICMA	Membership	46618	723.56
K&T Auto	Replace Pads and Rotors	46619	347.00
Kansas City Power & Light	Services	46620	1,857.01
Kansas Gas Service	Services	46621	549.66
Kansas Rural Water Association	Annual Fees	46622	920.00
Kincaid Ready Mix	Concrete	46623	1,690.75
Martin Pringle	Municipal Matters, City Prosecutor	46624	6,415.00
Maxim Golf Solutions	Consulting Service	46625	1,250.00
Miami County Solid Waste	Tire Disposal	46626	75.00
Mike Towner Contractor	Dirt Work on Generator Pad	46627	2,800.00
Mission Communications	Alarm Monitoring	46628	1,258.20
Nicholson, Dasenbrock & Hartley	Attorney Fees	46629	1,635.00
Nowak Construction Co., Inc.	Water Line Project-Pay App. 1	46630	327,047.36
NPG Newspapers	Ordinance 3732	46631	43.10
Nu-Towel Company	Grease Wipes	46632	453.93
Olathe Winwater Works	Metersetter, Coupling	46633	1,066.20
Pace Analytical	Analytical Charges	46634	301.00
Parker Truss & Stuff	Trusses	46635	2,310.00
Paving Maintenance Supply, Inc.	Polyflex	46636	1,237.50
Pepsi	Pop	46637	515.52
Quill	Staplers Tape Dispenser	46638	64.47
R&J Trucking	Rock Delivery	46639	2,825.75
Reflective Group	Services	46640	757.09
Rejis Commission	Leweb Subscription	46641	32.76
Ricoh	Copies	46642	182.74
Romans Outdoor Power	Gasket	46643	28.50
Smith's Appliances, Inc.	Fridge for Auditorium	46644	550.00
Source, Incorporated of Missouri	Modem	46645	755.59
Suddenlink	Internet	46646	119.90
Superior Lamp, Inc.	Bulbs	46647	1,385.48
T&R Electric	Transformers	46648	1,870.00
Debbie Talley	Memorial Hall Janitorial	46649	375.00
Brian Troutman	Straw Bales	46650	120.00
UPS Store	Postage	46651	73.80
USA Blue Book	PVC Pipe, Valve, Coupling	46652	1,226.88
USD 367 Sport & Fitness Zone	Membership	46653	17.00
Van Wall Equipment	Switch	46654	25.61
Viking Industrial Supply	Paper Products	46655	524.92
Walmart	Brisket, Pop, Ink, DVD's Books	46656	1,153.72



# Record of Ordinances

DATE WARRANTS ISSUED:  
October 31, 2015

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Western Metal Co.	Ridge Cap, Eave, Gable	46657	3,626.25
Winkler Domoney & Schultz	Municipal Court Judge	46658	4,120.00
Zep Sales	Dust Mop Refill, Zep 45	46659	288.23
Payroll 10/02/15			93,460.20
Fica 10/02/15			6,622.06
Payroll 10/16/15			88,062.70
Fica 10/16/15			6,618.35
Payroll 10/30/15			98,607.20
Fica 10/30/15			6,989.35
KPERS			26,027.09
			1,263,913.06
GO	252,531.81		
WTR	48,242.84		
EL	224,624.32		
EE Ben	77,082.97		
Refuse	32,171.55		
LIB	707.34		
RF	2,939.91		
IND	2,500.00		
SP&R	583.58		
ST Imp	3,302.72		
B&I	192,940.00		
Sewer	26,401.73		
Golf	40,373.21		
Trsm	1,706.77		
CIP	18,791.35		
CIP-St	6,133.50		
CIP-PD	2,676.00		
CIP-WTF	329,758.46		
CAF	445.00		
	1,263,913.06		



## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** November 12, 2015

**AGENDA ITEM:** Rural Fire Contract

**PRESENTER:** Don Cawby, City Manager

**ISSUE SUMMARY:** For almost 3 years, we have been discussing putting together a new contract with the Miami County Rural Fire District #1. The current agreement is around 35 years old and since 2011, the District has been working with Paola, Louisburg and Osawatomi to update the old contracts. The other two communities have reached agreements in prior years, and last week, I believe we were finally able to reach a tentative agreement. I have provided a draft of that agreement for your review.

The major changes to occur to our operations are as follows:

1. The Fire District will directly pay firefighters for rural fire calls. This issue was the major hang-up in negotiations as there were always major delays in reimbursements resulting from the seeming inability to reconcile fire reports to payroll. It was finally agreed that the City being a line of credit and processor for payroll on rural fire calls was probably not the most efficient administrative model. Most importantly this will eliminate the need for the Rural Fire Fund. It also removes a major source of tension between both entities.
2. The Fire District will pay rent for the space provided by the City for the Fire Department. This is the same model used with Paola and Louisburg, but the issue of Osawatomi using a former rural fire truck as a backup truck kept the Fire District from feeling it should be required to pay rent. We agreed, and thus item 3.
3. In a related agreement (also included) the City will pay rent to the District as long as we keep the District's fire truck. Rental will be \$350 per month, about  $\frac{3}{4}$  of what we will receive in rent.
4. Required to name each other as "other insured" for liability coverage.

5. Established tighter reporting requirements and deadlines by the Fire Department.
6. Makes provisions for increased rent and utilities with the expansion of the Fire Department building in the future.
7. Effective January 1, 2016.

Staff expects the Rural Fire Board to take this agreement up for approval at its November 23 meeting.

**COUNCIL ACTION NEEDED:** Review and discuss. Provide direction to staff.

**STAFF RECOMMENDATION TO COUNCIL:** Review the agreement and provide any feedback to staff.

**DRAFT**

**AGREEMENT TO PROVIDE FIRE & EMERGENCY SERVICES**  
**BETWEEN THE MIAMI COUNTY FIRE DISTRICT #1**  
**AND THE CITY OF OSAWATOMIE, KANSAS**

This AGREEMENT is made and entered into, by and between Miami County Fire District No. 1, hereinafter referred to as DISTRICT, and the City of Osawatomie, Kansas, hereinafter referred to as CITY.

WHEREAS, DISTRICT was established and became operational on January 1, 1976, by Resolution of the Board of County Commissioners of Miami County, Kansas, pursuant to K.S.A. 19-3601 *et.seq.*, and:

WHEREAS, said County Commission established a Board of Trustees for the purpose of supervising said DISTRICT, and vested said Board with all powers that were vested in the Commission, pursuant to K.S.A. 19-3612a., and

WHEREAS, the DISTRICT and the CITY have entered into prior agreements for the provision of firefighting and other emergency services provided by the CITY emergency personnel to the DISTRICT, it is the intention of both parties to continue such relationship, pursuant to the terms of this Agreement.

**SECTION 1: SEPARATE AND DISTINCT**

It is specifically understood and agreed to by the parties to this Agreement that the DISTRICT and the CITY are separate and distinct units of government and, as such, the DISTRICT'S and the CITY'S vehicles, equipment and appurtenances are distinct and separate and shall remain the property of the DISTRICT and/or the CITY at all times. Both parties recognize that in certain circumstances that it might be necessary to use the vehicles and equipment of one party for the other party's benefit and the utilization of such shall not extinguish the separateness and distinction of each party and each party's ownership of its own vehicles and equipment.

**SECTION 2: WAIVER OF LIABILITY**

It is agreed by the parties to this Agreement, that neither the CITY nor the DISTRICT shall be liable in any way or manner to each other for failure of its emergency personnel to respond to a fire, to extinguish the fire in a timely manner, or for any other act or omission while responding to emergency calls for service. For the purpose of this Agreement, "fire" and "fire call" shall have the same meaning and shall include any dispatch of emergency personnel to a reported fire, accident, or other emergency situation.

## DRAFT

### SECTION 3: COMMITMENT OF THE FIRE DISTRICT

The DISTRICT hereby agrees and commits itself as follows:

- 1) Furnish fire trucks and other emergency vehicles, firefighting equipment and supplies to be utilized by the CITY while fighting fires within the DISTRICT boundaries.
- 2) Provide Workman's Compensation insurance for the CITY'S firefighters injured while performing official duties for the DISTRICT.
- 3) Provide general liability insurance, naming the CITY as additional insured, in the minimum amount of one million dollars (\$1,000,000.00) that covers all of the DISTRICT'S vehicles, equipment, and personnel while engaged in emergency service calls, training sessions, and other related activities in the fire station on behalf of the DISTRICT.
- 4) The DISTRICT will provide a general liability insurance policy, naming the CITY as additional insured, in the minimum amount of one million dollars (\$1,000,000.00) for the use of the CITY's apparatus in non-emergency situations or emergency situations while outside of the CITY.
- 5) DISTRICT will pay the fire fighters quarterly beginning January 1, 2016 as per Section 5 of this AGREEMENT for the following emergency personnel services provided for the DISTRICT by the CITY:
  - a. Fire Chief--\$500 per quarter
  - b. Assistant Fire Chief--\$350 per quarter
  - c. Fire Captain--\$250 per quarter
  - d. Administrative Assistant--\$250 per quarter
  - e. \$30.00 per firefighter per emergency call.
  - f. \$20.00 per firefighter per training session and required meetings. The DISTRICT and the CITY shall each pay for one meeting per month. If only one meeting each shall pay for half of the one meeting. If more than two meetings, the DISTRICT or the CITY will pay for the meeting based upon the topic or reason for the additional meeting.
  - g. \$20.00 per firefighter for duties related to the repair and upkeep of county equipment and apparatus, and vehicle washing/cleaning.

## DRAFT

- i. Scheduled maintenance is those items needing routine ongoing attention, so as to maintain the basic function of the vehicle or equipment.
    - ii. Repair services represent maintenance to equipment that is no longer functioning as designed or expected, and which restores equipment to its original operating capacity.
    - iii. Washing/cleaning of vehicles represents the extra cleaning of vehicles that cannot be completed upon return from a call.
  - h. Nothing in this agreement shall prohibit the Fire Chief from combining officer and administration positions as necessary as long as the total amount paid in accordance with this Section is no greater than the total available for payment in subsections (a) through (d) above, subject to approval by the DISTRICT.
- 6) The DISTRICT will pay fire fighter personnel within 45 days of the end of the quarter using data from Emergency Reporting.
- 7) The DISTRICT will reimburse the CITY for maintenance and repair services by non-firefighter CITY personnel.
- 8) The DISTRICT will assume responsibility for the costs associated with the replacement of parts, oil, fuel, and repairs for the DISTRICT'S equipment.
- 9) The DISTRICT will pay the CITY \$55.00/truck/month for rental space at the Osawatomie Fire Station plus \$450 per quarter for the DISTRICT share of the cost of utilities. The payments will be paid quarterly, in arrears, as per this sub-section and Section 5 of this AGREEMENT. However, if the CITY provides a different and larger building or increases the current space available to the Fire Department by at least fifty percent of its current covered and heated space to serve as a Fire Station, the monthly rate for rental shall increase to \$65.00/truck/month and DISTRICT will pay the greater of the \$750 per quarter OR one-half of the complete utility bill for the property over that period, if the entire building is provided to the Osawatomie Fire Department for its use. For purposes of this AGREEMENT, the utility bill for each quarter will be based on the meter readings made in the last month of the quarter and not the month in which the bill is mailed. Utilities will be billed at the same rates as paid by other CITY-owned buildings. Payments by the DISTRICT outlined in this sub-section must be received within 30 days of the end of the quarter or the CITY's approved utility bill late fee will be applied to both rental and utility reimbursement payments.

## DRAFT

### SECTION 4: COMMITMENT OF THE CITY

The CITY hereby agrees and commits to provide firefighting services, emergency and related activities for the DISTRICT within the DISTRICT's designated boundary and further described in Exhibit 1. Said services and activities shall include the following, but shall not be considered an all-inclusive list:

- 1) Provide appropriate emergency personnel to answer fire and other emergency service calls; perform firefighting and related activities as dispatched for the DISTRICT within its designated boundary identified in Exhibit 1.
- 2) The DISTRICT and the CITY recognize the need to enter into mutual and/or automatic aid agreements with other fire service agencies for the purpose of providing mutual support for emergency calls outside of the DISTRICT's designated boundary served by the CITY as identified in Exhibit 1.
- 3) All firefighters responding to calls on behalf of the DISTRICT, except as provided for below, must be Fire Fighter Level 1 certified as evidenced by a copy of their certificate filed with the DISTRICT's Executive Secretary, or documentation of equivalent qualifying experience, as outlined below. Failure to file said certificate may disqualify uncertified firefighter(s) from payment for call, with the exception of a first year firefighter on probation and those firefighters hired prior to April 1, 2015. Within 60 days of the signing of this agreement, all non-probationary firefighters must have (a) at least a Fire Fighter Level 1 certificate or documentation of equivalent qualifying experience on file with the DISTRICT's Executive Secretary; or (b) have at least three years of experience and must successfully complete all Firefighter 1 level certification skills to be evaluated and documented by the Fire Chief or an officer officially designated by the Fire Chief.
- 4) Operators of the DISTRICT'S vehicles must have completed a driver safety training class. Training classes must meet the DISTRICT'S, the CITY'S, or insurance company of either party's requirements. A copy of the driving certificate for each driver should be given to the DISTRICT's Executive Secretary within 60 days of signing this agreement.
- 5) Provide general liability insurance, naming the DISTRICT as additional insured, in the minimum amount of one million dollars (\$1,000,000.00) that covers all of the CITY's vehicles, equipment, and personnel while engaged in emergency service calls, training sessions, and other related activities in the fire station on behalf of the CITY.

## DRAFT

- 6) Within 10 calendar days of each calendar quarter end, the Fire Chief, or designated staff, shall have entered and approved all applicable quarterly information in Emergency Reporting, including, but not limited to:
  - a. Number, location, and nature of emergency calls responded to on behalf of the DISTRICT,
  - b. Names and employee identification number of each firefighter responding to emergency calls,
  - c. Names and employee identification number of each firefighter who attended authorized training sessions; and
  - d. Names and employee identification number of personnel providing cleaning, maintenance, and description of maintenance performed to the DISTRICT equipment.
- 7) The City Manager of the CITY, or his or her designee, shall meet as necessary with the DISTRICT Chairperson to discuss the conditions, concerns, issues, and relationships of the parties as they relate to the administration of the provisions of this AGREEMENT. In addition, the City Manager shall invite the Chairperson of the DISTRICT or his/her representative to participate in the selection process of the fire chief or assistant fire chief as a means of assuring that candidates for those positions have a full understanding of rural firefighting techniques and the requirements of this AGREEMENT. Additionally, at the request of either the DISTRICT or the CITY, the parties shall meet to review all reports and invoices submitted under this AGREEMENT.
- 8) Provide a current roster of eligible firefighters by name and employee identification number quarterly to the DISTRICT Executive Secretary. Any roster changes should be provided to the DISTRICT Executive Secretary within 5 days of change.
- 9) Report to the DISTRICT as soon as reasonably possible, but no later than 24 hours, after the occurrence of any injuries or deaths suffered by firefighters while responding to any emergency calls on behalf of the DISTRICT.



## DRAFT

- 10) Report to the DISTRICT as soon as reasonably possible, but no later than 24 hours, after the occurrence of:
  - a. All accidents that occur while the CITY'S emergency personnel are in the process for providing firefighting and emergency services to the DISTRICT;
  - b. Any damage or destruction of vehicles or equipment supplied by the DISTRICT;  
and
  - c. Results of drug and alcohol testing for individuals involved in either (a) or (b) above, as soon as it is available.
- 11) Within 30 days of calendar year end, provide an annual inventory to the DISTRICT of all trucks, equipment, and supplies that are considered assets with a cumulative value exceeding one hundred dollars (\$100.00) that have been furnished by the DISTRICT.
- 12) The CITY will provide a general liability insurance policy, naming the DISTRICT as additional insured, in the minimum amount of one million dollars (\$1,000,000.00) for the use of DISTRICT'S apparatus in non-emergency situations or emergency situations while in the City of Osawatomie.

**DRAFT**

SECTION 5: RENEWAL OF AGREEMENT

This agreement shall be automatically renewed and extended on January 1<sup>st</sup> of each year for one year from the date of signing this agreement. Notice of non-renewal must be received in writing at least 90 days prior to the renewal date of the Agreement. Said notice shall be delivered to the DISTRICT Board President in the event the CITY requests termination of the Agreement, and said notice shall be delivered to the CITY, via the City Clerk, in the event the DISTRICT requests termination of the Agreement.

Requests for revisions or amendments to this Agreement must be submitted in writing to either party for consideration. Requests for amendments or revisions submitted to the DISTRICT by the CITY must be presented to the DISTRICT Board President or the DISTRICT Board Executive Secretary by the CITY. Requests for amendments or revisions submitted to the CITY by the DISTRICT must be presented to City Manager and City Clerk by the DISTRICT.

The DISTRICT and the CITY do hereby agree this AGREEMENT shall be effective January 1, 2016. Further, the DISTRICT and the CITY understand that upon signing of this agreement, all past, real, or perceived debts/claims/etc. that CITY may have had against DISTRICT more than 365 days prior to the execution of this agreement shall be null and void.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers the day and year below written.

ENTERED INTO AND EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mark Govea, Mayor  
City of Osawatomie, KS

\_\_\_\_\_  
Fred Miller, President  
Miami County Fire District No. 1

Attested by:

\_\_\_\_\_  
\_\_\_\_\_, City Clerk  
City of Osawatomie, Kansas

\_\_\_\_\_  
Betty Town, Executive Secretary  
Miami County Fire District No. 1

**MIAMI COUNTY FIRE DISTRICT #1—CITY OF OSAWATOMIE, KS**  
**1992 Smeal Pumper Agreement**

This AGREEMENT is made and entered into, by and between Miami County Fire District No. 1, hereinafter referred to as DISTRICT, and the City of Osawatomie, Kansas, hereinafter referred to as CITY.

The CITY agrees to pay the DISTRICT \$350 per month for the use of the DISTRICT's 1992 Smeal Pumper, hereinafter referred to 428. This agreement is effective April 1, 2015 and may be discontinued by either party with 90 days written notice.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers the day and year below written.

ENTERED INTO AND EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

---

Mark Govea, Mayor  
City of Osawatomie, KS

---

Fred Miller, President  
Miami County Fire District No. 1

Attested by:

---

Ann Elmquist, Clerk  
City of Osawatomie, KS

---

Betty Town, Executive Secretary  
Miami County Fire District No. 1



## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** November 12, 2015

**AGENDA ITEM:** **Traffic Signal at the Intersection of 6<sup>th</sup> Street and Pacific Avenue and the Adoption of a Revised Intersection Control Map**

**PRESENTER:** Blake Madden, Director of Public Works and Utilities

**ISSUE SUMMARY:** The traffic signal at the intersection of 6<sup>th</sup> Street and Pacific Avenue is antiquated and unsightly. In considering updating the traffic signal, City staff debated whether it was warranted at this location. In October 2014, the City submitted an application to the Traffic Engineering Assistance Program (TEAP) administered by the Kansas Department of Transportation (KDOT). The City requested that a traffic study and traffic signal warrant analysis be conducted to determine the necessity for the existing signal. The application was approved and in February 2015, the City received the final draft of a study compiled by Parsons Brinckerhoff, a consulting firm contracted by KDOT through the TEAP (attached). The conclusion of the study recommended removal of the existing traffic signal and the installation of two-way stop control for traffic on Pacific Avenue.

Changing the intersection control at this location requires modification of the City's Intersection Control Map and the City Council's approval of such changes. Review of the existing Intersection Control Map revealed that the location of existing intersection control signage was not in accordance with that shown on the map. I have recently completed an updated map accurately illustrating the location of all existing intersection traffic control signage and devices.

My intent was to, in the coming months, propose minor changes to the existing intersection traffic control signage and devices to the Public Safety Committee and eventually submit to Council a revised and all-inclusive Intersection Control Map. The removal of the 6<sup>th</sup> Street and Pacific Avenue traffic signal was to be included as a revision for consideration. However, on Tuesday, November 3, 2015, I received a phone call from Terry Upshaw notifying me that the traffic signal had malfunctioned and was flashing amber for traffic on 6<sup>th</sup> Street and flashing red for traffic on Pacific Avenue. Anticipating that the removal of this signal may be approved and

accomplished within the next several months, I directed him to install stop signs on the Pacific Avenue legs of the intersection and leave the signal in the flashing condition.

If Council chooses to preserve the traffic signal at the intersection, the following are the estimated associated costs:

- \$3,000 to \$5,000                      Repair the existing signal to its previous phased condition
- \$125,000 to \$200,000              Install a new traffic signal
- \$1,000 to \$2,500                      Yearly maintenance

Depending on whether Council chooses to preserve the traffic signal, we have created two new Intersection Control Maps for consideration for adoption. One depicting the preservation of the traffic signal, the other depicting its removal and the installation of stop signs on the Pacific Avenue legs to create a two-way stop condition. Note that neither of the maps include the Northland area. It is my intent to include this area on the map submitted to the Public Safety Committee for other minor revisions.

**COUNCIL ACTION NEEDED:** Decide whether to preserve the 6<sup>th</sup> Street and Pacific Avenue traffic signal and adopt the appropriate Intersection Control Map.

**STAFF RECOMMENDATION TO COUNCIL:** Approve removal of the 6<sup>th</sup> Street and Pacific Avenue traffic signal and adopt the Intersection Control Map depicting its removal and the installation of stop signs on the Pacific Avenue legs.

# Traffic Engineering Assistance Program City of Osawatomie Signal Removal

## Review of Traffic Signal Warrants at 6th Street & W. Pacific Avenue in Osawatomie, KS



Final

February 2015

**PARSONS  
BRINCKERHOFF**

# Traffic Engineering Assistance Program Review of a Traffic Signal at 6th Street & W. Pacific Avenue for Signal Warrants in Osawatomie, KS

---

Final

Disclaimer: 23 U.S.C. § 409 protects from discovery and admission into evidence in a court proceeding any reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluation, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds. The Kansas Department of Transportation considers Traffic Engineering Assistance Program reports to be such reports, surveys, schedules, lists, or data. Other than those disbursements already approved by the Office of Chief Counsel, a Traffic Engineering Assistance Program report should not be given to or published to any person or entity outside of KDOT. To do so, could jeopardize the privilege to discovery and admission as evidence given pursuant to 23 U.S.C. § 409. In addition, publication of a Traffic Engineering Assistance Program report to persons or entities that has not been approved by the Office of Chief Counsel may be grounds for disciplinary action. Request for Traffic Engineering Assistance Program reports that have not already been approved by the Office of Chief Counsel should be responded to by the Office of Chief Counsel's open records request personnel.

Prepared For:  
Kansas Department of Transportation

Prepared By:  
Parsons Brinckerhoff  
16201 W. 95<sup>th</sup> Street, Suite 200  
Lenexa, KS 66219  
913-310-9943

February 2015

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Use Restricted, 23 U.S.C. § 409

## 1 Introduction and Summary

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The Traffic Engineering Assistance Program (TEAP) provides a way for roadways not managed by the Kansas Department of Transportation (KDOT) to receive necessary traffic analysis that the roadway may not otherwise receive. Local jurisdictions apply for funds by describing their potential issues, which are then evaluated and analyzed by both KDOT staff and a consultant in order to provide recommendations to the local jurisdiction.

### 1.1 TEAP PROGRAM OVERVIEW

The Traffic Engineering Assistance Program is administered by the Kansas Department of Transportation. TEAP provides federal funds to local municipalities and counties that have traffic engineering needs but do not typically have the staff or funds to investigate the issues. These funds are used on roadways and intersections that are generally not on state routes addressed by KDOT staff.

### 1.2 SUMMARY

Based on the review of all traffic signal warrants from the 2009 Manual on Uniform Traffic Control Devices (MUTCD), and using engineering judgment, the existing traffic signal at 6th Street & W. Pacific Avenue in Osawatomie, Kansas neither meets nor is expected to meet any of the nine traffic signal warrants. It is recommended that the existing traffic signal at this location be removed and replaced with two-way stop control for W. Pacific Avenue. Detailed recommendations and guidelines for how to implement this recommendation are found in Chapter 4 of this report.

## 2 Existing Issues Description

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The Director of Public Works in the City of Osawatomie, Kansas submitted an application to KDOT requesting that a traffic study be performed at the intersection of 6th Street and W. Pacific Avenue in order to determine whether to maintain or remove the current traffic signal at this location. The problem statement from the city read:

*“The City of Osawatomie currently has an antiquated traffic signal installed at this location. It is likely that this signal was installed prior to the construction of the U.S. 169 Highway on the east side of town and is no longer needed. The city is reluctant to spend tax dollars to maintain, repair and eventually replace this signal if it is no longer serving its initial intent.”*

The primary focus of this study will be to evaluate the existing traffic signal to determine whether it meets any of the MUTCD traffic signal warrants. Traffic signal warrants 1 (eight-hour vehicular volume), 2 (four-hour vehicular volume), 3 (peak hour) and 5 (school crossing) will be specifically reviewed, but the other five will be briefly discussed. If none of the warrants are met, an alternative intersection control type will be recommended along with permanent signing and pavement markings to accompany the recommended new intersection control.

### 2.1 OVERVIEW OF AREA

The study area is constrained to the roadway network at the intersection of 6th Street and W. Pacific Avenue in Osawatomie, Kansas. Osawatomie is a small city located in Miami County in northeast Kansas approximately 30 miles southwest of Olathe, Kansas. The population in 2013 was estimated to be 4,385 (United States Census Bureau, 2014). Figure 1 shows a map of the intersection of interest and the study limits. Based on discussions with the City of Osawatomie there is no projected traffic growth expected at the intersection in the foreseeable future.

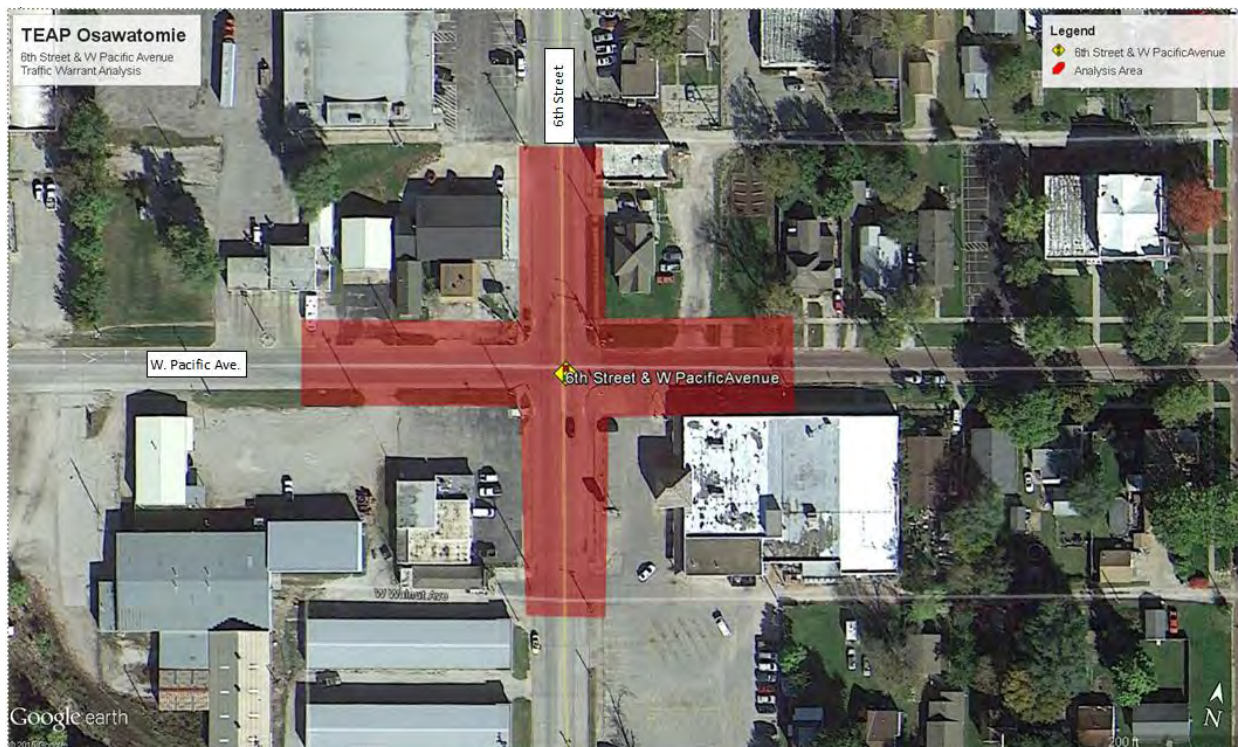


Figure 1 - Overview of Study Area (6th St. & W. Pacific Ave.)

## 2.2 REVIEW OF PAST TRAFFIC STUDIES

As part of the study, a request was made to KDOT to identify past traffic studies that had recommended the traffic signal installation at the intersection prior to 1977. This was the approximate time when the US-169/K-7 highway was moved east of the City. KDOT was unable to locate a previous traffic study or resolution which had recommended the installation of a traffic signal at this location. City staff however, located a TEAP study from 2004 which covered school area traffic control analysis for the elementary school, middle school, high school and early childhood education center in the City. This TEAP study was reviewed, but there was very little information of interest in the 2004 study that concerned the intersection of 6th Street & W. Pacific Avenue.

### 3 Field Data Collection and Analysis

A site visit was conducted by Parsons Brinckerhoff on Tuesday, December 23, 2014 to investigate existing conditions, take photographs of the study area, review existing lane configurations and review other safety features. A brief visit with the City's Public Works Director, Mr. Blake Madden, was also conducted on the same day. Mr. Madden did not have any additional concerns regarding the intersection, other than he did not think the traffic signal warrants were being met. Traffic volume counts were collected by Quality Counts, LLC, a Parsons Brinckerhoff sub-consultant, on Tuesday, December 16, 2014. Approach traffic volumes for each of the four legs of the intersection were collected for 24-hours via roadway tube counters, while intersection turning movement counts were collected via video cameras from 6:30 a.m. to 8:30 a.m. and from 2:30 p.m. to 6:00 p.m. to capture the expected peak vehicular and pedestrian volumes.

The following sections discuss the existing conditions, crash history and traffic signal warrants.

#### 3.1 EXISTING SIGNALS

The existing eastbound and westbound signals are mounted on single poles, while the northbound and southbound signals are mounted on mast arms as shown in Figure 2 and Figure 3. There are two actuated pedestrian signals mounted on the signal poles on the northeast and northwest corners of the intersection (Figure 4). The red signal indications are 12 inches in diameter, while the yellow and green signal indications are 8 inches in diameter.



Figure 2 – Eastbound and Westbound Signals Mounted on Poles; Photo taken on the South West Corner (6th St. & W. Pacific Ave.)



Figure 3 - Southbound Signal Mounted on Mast Arm (6th St. & W. Pacific Ave).



Figure 4 - Pedestrian Signal Mounted on Pole on the North West Corner of 6th St. & W. Pacific Ave.

### 3.2 CURRENT SIGNAGE AND PAVEMENT MARKING

The existing signage at the intersection primarily consists of a ground mounted street name sign, and a “Right- Turn-on-Red After Stop” sign both mounted in the northeast corner of the intersection (Figure 5).



Figure 5 - “Right-Turn-on-Red After Stop” Sign in Northeast Corner

A close review of the intersection configuration reveals left turn bays for both the northbound and southbound left turns. These are difficult to distinguish because the pavements markings are exceptionally faded and difficult to see (Figure 6 through Figure 8).





Figure 6 - Lack of Pavement Markings from Southwest Corner Looking North (6th St. & W. Pacific Ave.)



Figure 7 - Lack of Pavement Markings from Northeast Corner Looking West (6th St. & W. Pacific Ave.)



Figure 8 - Pavement Markings from South of the Southeast Corner of the Intersection Looking Northwest (6th St. & W. Pacific Ave.)

### 3.3 CRASH REVIEW AND ANALYSIS

A copy of five years of intersection crash data, from 2009 through 2013, including hard copy reports, were obtained from KDOT and the City of Osawatomie. There were two crashes which were intersection related over this five year period.

The first crash occurred at 8:35 a.m. when an eastbound left turning driver struck and injured a pedestrian crossing eastbound at the crosswalk on the north leg of the intersection. The crash occurred during the day, under no adverse weather conditions, and on dry pavement. The second crash occurred when a southbound driver failed to stop for the red light at the traffic signal and collided in the middle of the intersection at a right angle with a westbound driver who had a green light. The crash occurred at 7:49 a.m. during daylight, under no adverse weather conditions, and on dry pavement. Neither of these two crashes appears to have been caused directly by the existing traffic signal, nor would crashes of this type likely be reduced by removing the traffic signal.

### 3.4 SIGNAL WARRANT ANALYSIS

The MUTCD is the primary resource for providing the criteria to either install or remove a traffic signal at an intersection. Information from the MUTCD will be referenced and directly repeated extensively throughout this section.

The selection and use of traffic signals is based on an engineering study of traffic operations, safety, pedestrian and bicyclist needs and other factors at intersections, coupled with engineering judgment. The investigation of the need for a traffic signal includes an analysis of nine traffic signal warrants. The MUTCD states that "The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal" (Federal Highway Administration, 2009). These nine warrants are reviewed individually and often reference the major street and the minor street. Based on traffic volumes, the major street at this location is 6th Street, while the minor street is W. Pacific Avenue.

The Highway Capacity Software (HCS) v6.60 was used to assist in evaluating some traffic signal warrants. HCS implements procedures defined in the Highway Capacity Manual to analyze different types of roadway facilities and intersections. Traffic signal warrants are often based on the volume of traffic on an approach, without regard to whether drivers are turning left, continuing through, or turning right. The HCS traffic signal warrant module offers the option for entering volumes by movement. For the purpose of this analysis all approach volumes are assumed to be through volumes.

#### 3.4.1 Warrant 1, Eight-Hour Vehicular Volume

Warrant 1 is intended for application at locations where a large volume of intersecting traffic occurs, or where traffic volumes are so heavy on the major street that the minor intersecting street suffers excessive delay or conflict while entering or crossing the major street. If a warrant or part of a warrant is met, there would be a checked box on the right edge of Table 1. The HCS traffic signal warrants module provides a full analysis for Warrant 1 based on the approach volumes which were entered (Table 2). The table shows that the existing volumes at this location do not meet Warrant 1.

Table 1 - HCS Traffic Signal Warrants Summary

Warrants Summary												
<b>Information</b>												
Analyst	BCG			Intersection	6th Street & W Pacific Avenue							
Agency/Co	PB			Jurisdiction	City of Osawatomie, KS							
Data Performed	12/31/2014			Units	U.S. Customary							
Project ID	TEAP Osawatomie			Time Period Analyzed	All Day							
East/West Street	W Pacific Avenue			North/South Street	6th Street							
File Name	6th & Pacific Warrant.xhy			Major Street	North-South							
Project Description <i>TEAP Osawatomie</i>												
<b>General</b>				<b>Roadway Network</b>								
Major Street Speed (mph)	20	<input type="checkbox"/> Population < 10,000			Two Major Routes				<input type="checkbox"/>			
Nearest Signal (ft)	755	<input type="checkbox"/> Coordinated Signal System			Weekend Count				<input type="checkbox"/>			
Crashes (per year)	0	<input type="checkbox"/> Adequate Trials of Alternatives			5-yr Growth Factor				0			
<b>Geometry and Traffic</b>	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of lanes, N	0	1	0	0	1	0	1	1	0	1	1	0
Lane usage	LTR			LTR			L	TR		L	TR	
Vehicle Volume Averages (vph)	0	46	0	0	77	0	0	126	0	0	148	0
Peds (ped/h) / Gaps (gaps/h)	--	0/0	--	--	0/0	--	--	0/0	--	--	0/0	--
Delay (s/veh) / (veh-hr)	--	0/0	--	--	0/0	--	--	0/0	--	--	0/0	--
<b>Warrant 1: Eight-Hour Vehicular Volume</b>												
1 A. Minimum Vehicular Volumes (Both major approaches --and-- higher minor approach) --or--												<input type="checkbox"/>
1 B. Interruption of Continuous Traffic (Both major approaches --and-- higher minor approach) --or--												<input type="checkbox"/>
1 (56%) Vehicular --and-- Interruption Volumes (Both major approaches --and-- higher minor approach)												<input type="checkbox"/>
<b>Warrant 2: Four-Hour Vehicular Volume</b>												
2 A. Four-Hour Vehicular Volumes (Both major approaches --and-- higher minor approach)												<input type="checkbox"/>
<b>Warrant 3: Peak Hour</b>												
3 A. Peak-Hour Conditions (Minor delay --and-- minor volume --and-- total volume ) --or--												<input type="checkbox"/>
3 B. Peak-Hour Vehicular Volumes (Both major approaches --and-- higher minor approach)												<input type="checkbox"/>
<b>Warrant 4: Pedestrian Volume</b>												
4 A. Four Hour Volumes --or--												<input type="checkbox"/>
4 B. One-Hour Volumes												<input type="checkbox"/>
<b>Warrant 5: School Crossing</b>												
5. Student Volumes --and--												<input type="checkbox"/>
5. Gaps Same Period												<input type="checkbox"/>
<b>Warrant 6: Coordinated Signal System</b>												
6. Degree of Platooning (Predominant direction or both directions)												<input type="checkbox"/>
<b>Warrant 7: Crash Experience</b>												
7 A. Adequate trials of alternatives, observance and enforcement failed --and--												<input type="checkbox"/>
7 B. Reported crashes susceptible to correction by signal (12-month period) --and--												<input type="checkbox"/>
7 C. (56%) Volumes for Warrants 1A, 1B --or-- 4 are satisfied												<input type="checkbox"/>
<b>Warrant 8: Roadway Network</b>												
8 A. Weekday Volume (Peak hour total --and-- projected warrants 1, 2 or 3) --or--												<input type="checkbox"/>
8 B. Weekend Volume (Five hours total)												<input type="checkbox"/>
<b>Warrant 9: Grade Crossing</b>												
9 A. Grade Crossing within 140 ft --and--												<input type="checkbox"/>
9 B. Peak-Hour Vehicular Volumes												<input type="checkbox"/>

Table 2 - HCS Traffic Signal Warrants Volumes

Warrants Volume													
<b>Information</b>													
Analyst: BCG				Intersection: 5th Street & W Pacific Avenue									
Agency/Co: PB				Jurisdiction: City of Osawatomi, KS									
Date Performed: 12/31/2014				Units: U.S. Customary									
Project ID: TEAP Osawatomi				Time Period Analyzed: All Day									
East/West Street: W Pacific Avenue				North/South Street: 6th Street									
File Name: 6th & Pacific Warrant.xhy				Major Street: North-South									
Project Description: TEAP Osawatomi													
<b>Warrant 1</b>													
Condition A—Minimum Vehicular Volume						Condition B—Interruption of Continuous Traffic							
Number of lanes for moving traffic on each approach		Vehicles per hour on major street (total of both approaches)				Number of lanes for moving traffic on each approach		Vehicles per hour on major street (total of both approaches)			Vehicles per hour on higher-volume minor street approach (one direction only)		
Major Street	Minor Street	100%	80%	70%	56%	100%	80%	70%	56%	100%	80%	70%	56%
1	1	500	400	350	280	150	120	105	84	75	60	52	42
2 or more	1	600	480	420	336	150	120	105	84	75	60	52	42
2 or more	2 or more	650	480	420	336	200	160	140	112	100	80	70	56
1	2 or more	500	400	350	280	200	160	140	112	100	80	70	56
<b>Warrant 2</b>													
<b>Warrant 3</b>													
<b>Volume Summary</b>													
Major Street Lanes 2+			Minor Street Lanes 1		Speed 20		Population <10000						
Hours	Major Volume	Minor Volume	Total Volume	1A (70%)	1A (56%)	1B (70%)	1B (56%)	2 (70%)	3A (70%)	3B (70%)			
07-08	392	108	604	No	Yes	No	No	No	No	No			
08-09	229	55	308	No	No	No	No	No	No	No			
09-10	204	44	269	No	No	No	No	No	No	No			
10-11	208	37	279	No	No	No	No	No	No	No			
11-12	241	73	350	No	No	No	No	No	No	No			
12-13	233	71	333	No	No	No	No	No	No	No			
13-14	243	61	340	No	No	No	No	No	No	No			
14-15	326	63	437	No	No	No	No	No	No	No			
15-16	330	101	499	No	No	No	No	No	No	No			
16-17	337	111	501	No	Yes	No	No	No	No	No			
17-18	320	122	495	No	No	No	No	No	No	No			
18-19	233	84	365	No	No	No	No	No	No	No			
Totals	3296	930	4780	0	2	0	0	0	0	0			

### 3.4.2 Warrant 2, Four-Hour Vehicular Volume

Warrant 2 is intended for application at locations where a large volume of intersecting traffic occurs. To meet this warrant, traffic volumes for each of any four hours of an average day must fall above the applicable curve. The HCS traffic signal warrants module provides a full analysis for Warrant 2 based on the approach volumes which were entered (Table 2). The existing volumes do not meet Warrant 2.

### 3.4.3 Warrant 3, Peak Hour

Warrant 3 is intended for use at locations where traffic conditions are such that for a minimum of one hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street. This traffic signal warrant shall be applied only in unusual cases, such as office complexes, manufacturing plants, industrial complexes, or high-occupancy vehicle facilities that attract or discharge large numbers of vehicle over a short time. The HCS traffic signal warrants module provides a full analysis for Warrant 3 based on the approach volumes which were entered (Table 2).

Warrant 3 is often the focus of a study during intersection control discussions. In addition to Table 1 and Table 2 shown earlier, Figure 9 shows how far away the intersection is from meeting Warrant 3 (Peak Hour). To meet this warrant, either the blue or the green dot designating the AM and PM peak hour volumes would need to be above the curve for "2 or more lanes & 1 lane," as the existing 6th Street has a designated left turn bay which gives it two lanes on the approach. As shown in Figure 9, the blue and green dots do not meet the peak hour warrant.

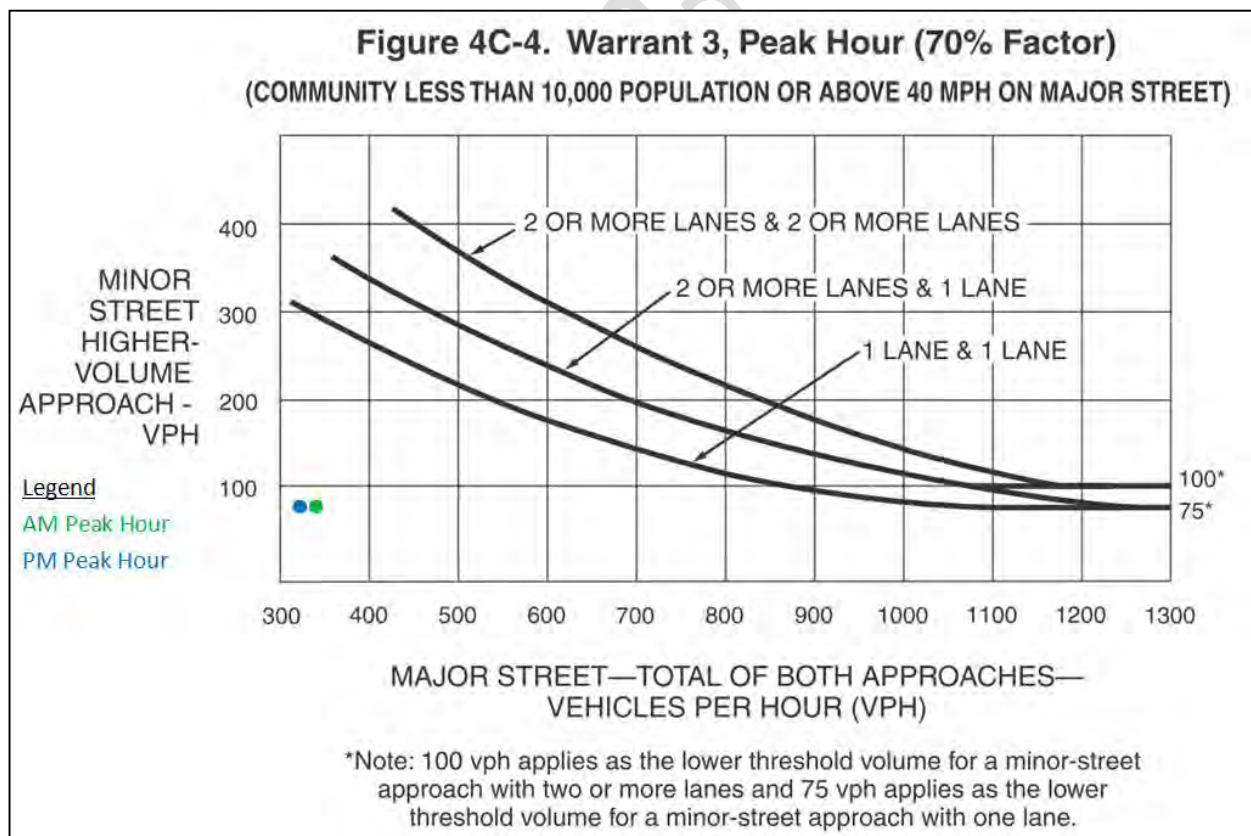


Figure 9 - Warrant 3, Peak Hour (70% Factor) (6th Street & W Pacific Ave)  
 Source: (Federal Highway Administration, 2009)

Based on the observations discussed above, the existing peak hour volumes do not meet Warrant 3.

#### 3.4.4 Warrant 4, Pedestrian Volume

Warrant 4 is intended for use at locations where the traffic volume on the major street is so heavy that pedestrians experience excessive delay in crossing the major street. There are various criteria based on population, intersection location, major street speed limit, etc., but the minimum total pedestrian crossings of the major street would need to be 75 pedestrians per hour to even meet the lowest criteria. Of the hours which turning movement counts were taken, the highest number of pedestrians per hour crossing the major street was one pedestrian per hour. The existing pedestrian volumes crossing the major street do not meet Warrant 4.

#### 3.4.5 Warrant 5, School Crossing

Warrant 5 is intended for applications where the need for school children to cross the major street is the principal reason to consider installing a traffic signal. School children include elementary through high school students. While the data collected does not differentiate between the general public and schoolchildren, in either case, the warrant requires a minimum of 20 school children during the highest crossing hour. The 2004 TEAP study which focused on school traffic control in the City stated that there were no middle school students observed crossing 6th Street near the Osawatomie Middle School, but suggested that if students did cross 6th Street, they utilize the traffic signal at the 6th Street & W. Pacific Avenue (TranSystems Corporation, 2004). As noted in Warrant 4, the highest number of pedestrians crossing the major street was one pedestrian per hour. The existing school children volumes crossing the major street do not meet Warrant 5.

#### 3.4.6 Warrant 6, Coordinated Signal System

Warrant 6 is intended for applications where a traffic signal would help maintain proper platooning of vehicles as part of a coordinated signal system. The traffic signal at 6th Street & W. Pacific Avenue is not part of a coordinated signal system and does not meet Warrant 6.

#### 3.4.7 Warrant 7, Crash Experience

Warrant 7 is intended for applications where the severity and frequency of crashes are the principal reasons to consider installing a traffic signal. There are a number of criteria, all of which must be met to satisfy this warrant. One of the criteria reads "Five or more reported crashes, of types susceptible to correction by a traffic control signal, have occurred within a 12-month period, each crash involving personal injury or property damage apparently exceeding the applicable requirements for a reportable crash" (Federal Highway Administration, 2009, p. 4C.08). Since the existing intersection has a traffic signal already installed, this criteria cannot be evaluated. However, it is not expected that the removal of the traffic signal will result in the criteria above being met, along with the other criteria listed in the MUTCD for Warrant 7.

#### 3.4.8 Warrant 8, Roadway Network

Warrant 8 is intended for intersections where it might be justified to encourage concentration and organization of traffic flow on a roadway network. The existing signal at 6th Street & W. Pacific Avenue is not intended to encourage concentration or organization of traffic flow as it applies to Warrant 8. As a result, Warrant 8 is not met.

### 3.4.9 Warrant 9, Intersection Near a Grade Crossing

Warrant 9 is intended for use at locations where none of the conditions described in the other eight traffic signal warrants are met, but the proximity of the intersection to a railroad grade crossing on an intersection approach controlled by a stop or yield sign is the principal reason to consider installing a traffic signal. Among the criteria required to meet this warrant is one which states that the center of the railroad track nearest to the intersection shall be within 140 feet of the stop line or yield line on the approach if this warrant is to be considered further. While there is a railroad grade crossing to the west, the existing traffic signal is not intended to meet Warrant 9, and the distance from the intersection to the railroad tracks is approximately 500 feet. The existing conditions do not meet Warrant 9.

Table 3 below shows a summary of the traffic warrants analyzed and the results of that analysis.

Table 3 - Traffic Warrant Results Summary

Warrant	Purpose	Result
1	Eight-Hour Vehicle Volume	Not met
2	Four-Hour Vehicle Volume	Not met
3	Peak Hour	Not met
4	Pedestrian Volume	Not met
5	School Crossing	Not met
6	Coordinated Signal System	Not met
7	Crash Experience	Not met
8	Roadway Network	Not met



## 4 Recommendations and Implementation for Intersection Control Types

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The review of all traffic signal warrants from the 2009 MUTCD, along with applying engineering judgment, shows that the existing traffic signal at 6th Street & W. Pacific Avenue does not meet, and is not expected to meet, any of the nine traffic signal warrants. It is recommended that the existing traffic signal at this location be removed.

The sections below discuss recommendations for the control of traffic at 6th Street & W. Pacific Avenue in lieu of a traffic signal, as well as supplementary signage and pavement marking at this location.

### 4.1 CONTROL TYPE RECOMMENDATIONS

Given that the existing signal does not meet any of the warrants and the current low volume is from the minor road; it is recommended that a two-way stop-controlled intersection be installed in place of the existing traffic signal. The northbound and southbound volumes along 6th Street are the higher traffic volumes and should not have the stop signs installed for those approaches (free-flow conditions). The stop signs should be placed on the east and west legs of the intersection, for the eastbound and westbound approaches of W. Pacific Avenue. Before intersection control can be changed from a traffic signal to a two-way stop, intersection sight distances must be reviewed to verify that drivers on the stopped approaches have adequate time to cross or turn onto the main roadway.

The concept of being able to view approaching traffic at an intersection is referred to as intersection sight distance. Typically the design and construction of roadways (including intersection sight distance) in the U.S. is guided by the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets." This reference book is often referred to as the "Green Book" and the current edition was published in 2011.

Based on field visit observations, intersection sight distances are not expected to be an issue for the two-way stop-control with regard to the location of the nearby buildings or permanent structures. However, there is room for parking on 6th Street for northbound vehicles just south of W. Pacific Avenue. If vehicles were parked here (Figure 10), it's probable that the intersection sight distance for westbound drivers on W. Pacific Avenue would be reduced due to the parked vehicles blocking drivers from observing northbound approaching vehicles.



Figure 10 - On-street Parallel Parking Located on Northbound 6th St. Just South of W. Pacific Ave.

For drivers wanting to make a westbound left turn, the driver should be able to see 225 feet down 6th Street from the point they stopped on W. Pacific Avenue given 6th Street's regulatory speed limit of 20 mph (American Association of State Highway and Transportation Officials, 2011, pp. 9-38). Figure 11 shows the approximate intersection sight distance triangle in yellow which is created for westbound left turns at the intersection. The area of the yellow triangle covers nearly all of the available on-street northbound parking along 6th Street.



Figure 11 - Approximate Recommended Intersection Sight Distance for Westbound Left Turns (6th St. & W. Pacific Ave.)

However, in urban areas, it's common to have on-street parking. It is also common for drivers to have to stop for crosswalks or pedestrians, and then pull up closer to the intersection past the stop line to see around on-street parked vehicles when they are present. The effect of this is shown in the green triangle in Figure 11.

The recommendation for the existing on-street parallel parking located on northbound 6th Street just south of W. Pacific Avenue is for the parking to remain. With an existing parking lot in the southeast corner of the intersection, it is assumed that the on-street parking is not regularly used. The City of Osawatomie Police and Public Works Departments should be cognizant of this potential issue, and if a pattern of crashes emerges in the future, the recommended solution would be to remove the on-street parking, either by physically replacing it by expanding the sidewalk, or to post no-parking signs outside of the pedestrian access route which is a minimum of 4 feet wide along the sidewalk in order to comply with the Americans with Disabilities Act (ADA) requirements (p. R301.3.1).

#### 4.2 SIGNING AND PAVEMENT MARKINGS RECOMMENDATIONS

Due to the low pedestrian volumes collected at the intersection, crosswalk markings are not recommended at this intersection (across 6th St. or W. Pacific Ave.). However, the eastbound and westbound stop line pavement markings should be located as if the crosswalk markings were present.

This way, drivers are encouraged to stop before the sidewalk, and a pedestrian at the crossing would have the right-of-way. Figure 12 shows the location of the stop line as recommended by KDOT as part of their standard drawings for pavement markings.

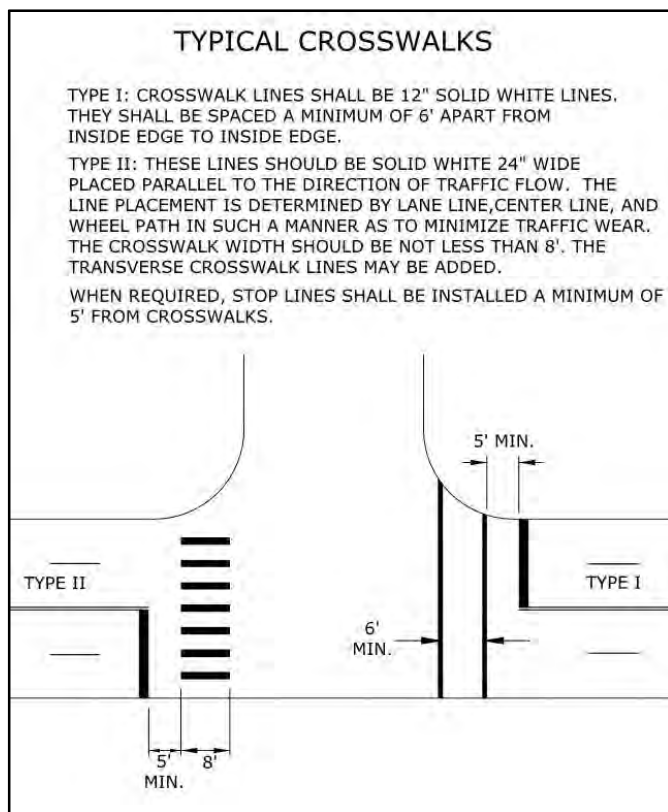


Figure 12 - Recommended Stop Line Placement  
Source: (Kansas Department of Transportation)

It is also recommended that the centerlines and the northbound and southbound left turn bay pavement markings and arrows be remarked to allow drivers to distinguish between the through and left turn lanes.

One Stop (R1-1) sign should be placed at the intersection on each of the eastbound and westbound approaches of W. Pacific Avenue. The stop signs should have minimum dimensions of 30" wide by 30" high, although 36" wide by 36" high are also acceptable for this location. It is recommended that the stop sign sizes match what is typically used for new installations in the City within this area of town. This is to avoid over or under emphasizing the stop signs in relation to similar locations. The stop signs should be placed at the stop line. Figure 13 shows the recommended stop sign and stop line placement at the intersection.



Figure 13 - Recommended Stop Sign / Stop Line Placement at the 6th and W. Pacific Intersection, Osawatomie, KS

#### 4.3 OTHER RECOMMENDATIONS

It is recommended that the existing overhead streetlight that is currently mounted on the traffic signal pole at the northeast corner of the intersection remain or be relocated at the intersection. Providing street lighting at intersections can help prevent/reduce night-time crashes and provides additional visibility to pedestrians and motorists.

#### 4.4 IMPLEMENTATION PROCESS

The following steps provide some guidance on removing the existing traffic signal. The steps are loosely based on guidance provided in the MUTCD (Federal Highway Administration, 2009, p. 4B.02.05).

1. Inform the public of the traffic study which recommended the removal of the traffic signal.
2. Make initial intersection control changes.
  - a. Place one New Traffic Pattern Ahead (W23-2) sign on each approach a minimum of 100 feet upstream of the intersection. This will alert drivers of the changes to the intersection. It is recommended that the W23-2 signs be removed after two weeks of display.
  - b. Install the two stop signs for the eastbound and westbound movements.

- c. Cover the vehicular and pedestrian traffic signal heads on all approaches. The signal heads should be covered completely using an opaque material.
  - d. Cover the "Right Turn on Red After Stop" sign located on a wooden pole in the northeast corner for northbound drivers using an opaque material.
3. If traffic operations at the intersection with the new two-way stop control appear to be functioning well after 90 days (no crashes, issues with sight distance or congestion, other), remove the traffic signal equipment and the "Right Turn on Red After Stop" sign.

#### 4.5 COST ESTIMATES

The construction cost estimates are based on Parsons Brinckerhoff's (PB) professional experience and judgment and shall be deemed to represent PB's opinion. PB has no control over the cost of labor, material, equipment and other relevant factors that could influence the ultimate construction costs. Thus, PB does not guarantee that proposals, bids, or the actual facility cost will be the same as the estimate of probable construction cost or that construction costs will not vary from its opinions of probable cost.

Costs for design, right-of-way, coordination, or construction oversight are not included in the following cost estimates.

Cost estimates for implementing the recommendations are listed below. Included in the total costs for each item are a 25% fee for miscellaneous items and a 30% fee for contingencies.

- The estimated cost for temporary traffic control and installation of the permanent stop signs would be approximately \$4,300.
- The estimated cost for the removal of existing traffic signals and the relocation of the street light would be approximately \$9,700.
- The estimated costs for repainting the centerline, left turn lanes, arrows, and new stop line pavement markings recommendations at the intersection is approximately \$3,200.

## 5 Works Cited

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## 6 Appendix

### 6.1 RECOMMENDED SIGN SIZES

Table 4 shows the recommended sign sizes along with specific sign designations. All of these signs sizes are for roadways which meet the 2009 MUTCD criteria for low speed, urban, conventional roadways. The intersection reviewed in this study meets those criteria. Standard sign sizes which are larger may be used as well to match typical signs at similar locations within the City. The table may be used for consistency when discussing various signs or ordering signs from a supplier. Sign sizes are given in inches (width x height).

Table 4 - Recommended Temporary and Permanent Signs

Image		
Designation	W23-2	R1-1
Name	New Traffic Pattern Ahead	Stop
Size	36 X 36	30 X 30

### 6.2 ADDITIONAL SITE PHOTOS



Figure 14 - Southwest Corner Looking Northeast (6th St. & W. Pacific Ave.)





Figure 15 - Southwest Corner Looking East (6th St. & W. Pacific Ave.)



Figure 16 - Southeast Corner Looking North (6th St. & W. Pacific Ave.)



Figure 17 - Southeast Corner Looking West (6th St. & W. Pacific Ave.)

### 6.3 ADDITIONAL APPENDIX TABLES

- Traffic Counts
- Cost Estimates

<b>LOCATION:</b> 6th St & W Pacific Ave South Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139603 <b>DIRECTION:</b> NB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM		6				6			6	
12:15 AM		2				2			2	
12:30 AM		7				7			7	
12:45 AM		1				1			1	
1:00 AM		3				3			3	
1:15 AM		2				2			2	
1:30 AM		0				0			0	
1:45 AM		5				5			5	
2:00 AM		1				1			1	
2:15 AM		3				3			3	
2:30 AM		1				1			1	
2:45 AM		1				1			1	
3:00 AM		0				0			0	
3:15 AM		2				2			2	
3:30 AM		3				3			3	
3:45 AM		1				1			1	
4:00 AM		1				1			1	
4:15 AM		0				0			0	
4:30 AM		2				2			2	
4:45 AM		2				2			2	
5:00 AM		2				2			2	
5:15 AM		6				6			6	
5:30 AM		11				11			11	
5:45 AM		11				11			11	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave South Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139603 <b>DIRECTION:</b> NB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 AM		3				3			3	
6:15 AM		3				3			3	
6:30 AM		8				8			8	
6:45 AM		10				10			10	
7:00 AM		22				22			22	
7:15 AM		38				38			38	
7:30 AM		33				33			33	
7:45 AM		39				39			39	
8:00 AM		30				30			30	
8:15 AM		18				18			18	
8:30 AM		26				26			26	
8:45 AM		14				14			14	
9:00 AM		16				16			16	
9:15 AM		17				17			17	
9:30 AM		26				26			26	
9:45 AM		32				32			32	
10:00 AM		19				19			19	
10:15 AM		28				28			28	
10:30 AM		24				24			24	
10:45 AM		30				30			30	
11:00 AM		31				31			31	
11:15 AM		31				31			31	
11:30 AM		29				29			29	
11:45 AM		23				23			23	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave South Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS							<b>QC JOB #:</b> 13139603 <b>DIRECTION:</b> NB <b>DATE:</b> Dec 16 2014 - Dec 16 2014			
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 PM		27				27			27	
12:15 PM		29				29			29	
12:30 PM		23				23			23	
12:45 PM		21				21			21	
1:00 PM		29				29			29	
1:15 PM		25				25			25	
1:30 PM		20				20			20	
1:45 PM		32				32			32	
2:00 PM		41				41			41	
2:15 PM		30				30			30	
2:30 PM		35				35			35	
2:45 PM		34				34			34	
3:00 PM		53				53			53	
3:15 PM		41				41			41	
3:30 PM		50				50			50	
3:45 PM		42				42			42	
4:00 PM		38				38			38	
4:15 PM		50				50			50	
4:30 PM		48				48			48	
4:45 PM		42				42			42	
5:00 PM		36				36			36	
5:15 PM		41				41			41	
5:30 PM		54				54			54	
5:45 PM		50				50			50	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave South Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139603 <b>DIRECTION:</b> NB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 PM		33				33			33	
6:15 PM		30				30			30	
6:30 PM		21				21			21	
6:45 PM		19				19			19	
7:00 PM		22				22			22	
7:15 PM		19				19			19	
7:30 PM		24				24			24	
7:45 PM		26				26			26	
8:00 PM		17				17			17	
8:15 PM		13				13			13	
8:30 PM		16				16			16	
8:45 PM		29				29			29	
9:00 PM		31				31			31	
9:15 PM		15				15			15	
9:30 PM		10				10			10	
9:45 PM		10				10			10	
10:00 PM		13				13			13	
10:15 PM		7				7			7	
10:30 PM		6				6			6	
10:45 PM		3				3			3	
11:00 PM		4				4			4	
11:15 PM		5				5			5	
11:30 PM		8				8			8	
11:45 PM		6				6			6	
<b>Day Total</b>		1901				1901			1901	
% Weekday Average		100.0%								
% Week Average		100.0%				100.0%				
AM Peak		7:45 AM				7:45 AM			7:45 AM	
Volume		39				39			39	
PM Peak		5:30 PM				5:30 PM			5:30 PM	
Volume		54				54			54	
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave East Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139604 <b>DIRECTION:</b> WB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM		2				2			2	
12:15 AM		2				2			2	
12:30 AM		1				1			1	
12:45 AM		0				0			0	
1:00 AM		3				3			3	
1:15 AM		1				1			1	
1:30 AM		0				0			0	
1:45 AM		4				4			4	
2:00 AM		0				0			0	
2:15 AM		2				2			2	
2:30 AM		2				2			2	
2:45 AM		0				0			0	
3:00 AM		2				2			2	
3:15 AM		5				5			5	
3:30 AM		0				0			0	
3:45 AM		0				0			0	
4:00 AM		0				0			0	
4:15 AM		4				4			4	
4:30 AM		0				0			0	
4:45 AM		4				4			4	
5:00 AM		2				2			2	
5:15 AM		3				3			3	
5:30 AM		2				2			2	
5:45 AM		4				4			4	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave East Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139604 <b>DIRECTION:</b> WB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 AM		2				2			2	
6:15 AM		4				4			4	
6:30 AM		8				8			8	
6:45 AM		16				16			16	
7:00 AM		20				20			20	
7:15 AM		29				29			29	
7:30 AM		31				31			31	
7:45 AM		24				24			24	
8:00 AM		15				15			15	
8:15 AM		18				18			18	
8:30 AM		12				12			12	
8:45 AM		10				10			10	
9:00 AM		9				9			9	
9:15 AM		5				5			5	
9:30 AM		22				22			22	
9:45 AM		8				8			8	
10:00 AM		9				9			9	
10:15 AM		13				13			13	
10:30 AM		12				12			12	
10:45 AM		3				3			3	
11:00 AM		15				15			15	
11:15 AM		24				24			24	
11:30 AM		17				17			17	
11:45 AM		17				17			17	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										



<b>LOCATION:</b> 6th St & W Pacific Ave East Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139604 <b>DIRECTION:</b> WB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 PM		6				6			6	
12:15 PM		21				21			21	
12:30 PM		22				22			22	
12:45 PM		22				22			22	
1:00 PM		4				4			4	
1:15 PM		19				19			19	
1:30 PM		14				14			14	
1:45 PM		24				24			24	
2:00 PM		15				15			15	
2:15 PM		17				17			17	
2:30 PM		16				16			16	
2:45 PM		15				15			15	
3:00 PM		32				32			32	
3:15 PM		20				20			20	
3:30 PM		22				22			22	
3:45 PM		27				27			27	
4:00 PM		27				27			27	
4:15 PM		33				33			33	
4:30 PM		26				26			26	
4:45 PM		25				25			25	
5:00 PM		29				29			29	
5:15 PM		30				30			30	
5:30 PM		38				38			38	
5:45 PM		25				25			25	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave East Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139604 <b>DIRECTION:</b> WB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 PM		27				27			27	
6:15 PM		22				22			22	
6:30 PM		18				18			18	
6:45 PM		17				17			17	
7:00 PM		22				22			22	
7:15 PM		17				17			17	
7:30 PM		7				7			7	
7:45 PM		11				11			11	
8:00 PM		6				6			6	
8:15 PM		12				12			12	
8:30 PM		13				13			13	
8:45 PM		6				6			6	
9:00 PM		12				12			12	
9:15 PM		12				12			12	
9:30 PM		5				5			5	
9:45 PM		13				13			13	
10:00 PM		6				6			6	
10:15 PM		15				15			15	
10:30 PM		2				2			2	
10:45 PM		7				7			7	
11:00 PM		4				4			4	
11:15 PM		2				2			2	
11:30 PM		3				3			3	
11:45 PM		4				4			4	
<b>Day Total</b>		1178				1178			1178	
% Weekday Average		100.0%								
% Week Average		100.0%				100.0%				
AM Peak		7:30 AM				7:30 AM			7:30 AM	
Volume		31				31			31	
PM Peak		5:30 PM				5:30 PM			5:30 PM	
Volume		38				38			38	
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave North Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139605 <b>DIRECTION:</b> SB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM		7				7			7	
12:15 AM		2				2			2	
12:30 AM		2				2			2	
12:45 AM		0				0			0	
1:00 AM		0				0			0	
1:15 AM		0				0			0	
1:30 AM		2				2			2	
1:45 AM		2				2			2	
2:00 AM		0				0			0	
2:15 AM		0				0			0	
2:30 AM		2				2			2	
2:45 AM		1				1			1	
3:00 AM		1				1			1	
3:15 AM		1				1			1	
3:30 AM		1				1			1	
3:45 AM		0				0			0	
4:00 AM		2				2			2	
4:15 AM		3				3			3	
4:30 AM		4				4			4	
4:45 AM		6				6			6	
5:00 AM		4				4			4	
5:15 AM		8				8			8	
5:30 AM		11				11			11	
5:45 AM		8				8			8	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave North Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139605 <b>DIRECTION:</b> SB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 AM		11				11			11	
6:15 AM		14				14			14	
6:30 AM		20				20			20	
6:45 AM		32				32			32	
7:00 AM		33				33			33	
7:15 AM		80				80			80	
7:30 AM		83				83			83	
7:45 AM		64				64			64	
8:00 AM		33				33			33	
8:15 AM		33				33			33	
8:30 AM		41				41			41	
8:45 AM		34				34			34	
9:00 AM		26				26			26	
9:15 AM		24				24			24	
9:30 AM		32				32			32	
9:45 AM		31				31			31	
10:00 AM		32				32			32	
10:15 AM		29				29			29	
10:30 AM		21				21			21	
10:45 AM		25				25			25	
11:00 AM		41				41			41	
11:15 AM		24				24			24	
11:30 AM		35				35			35	
11:45 AM		27				27			27	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave North Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139605 <b>DIRECTION:</b> SB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 PM		18				18			18	
12:15 PM		36				36			36	
12:30 PM		45				45			45	
12:45 PM		34				34			34	
1:00 PM		19				19			19	
1:15 PM		30				30			30	
1:30 PM		43				43			43	
1:45 PM		45				45			45	
2:00 PM		39				39			39	
2:15 PM		40				40			40	
2:30 PM		40				40			40	
2:45 PM		67				67			67	
3:00 PM		27				27			27	
3:15 PM		41				41			41	
3:30 PM		40				40			40	
3:45 PM		36				36			36	
4:00 PM		41				41			41	
4:15 PM		47				47			47	
4:30 PM		36				36			36	
4:45 PM		35				35			35	
5:00 PM		32				32			32	
5:15 PM		40				40			40	
5:30 PM		25				25			25	
5:45 PM		42				42			42	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave North Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from W Pacific Ave <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139605 <b>DIRECTION:</b> SB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 PM		39				39			39	
6:15 PM		39				39			39	
6:30 PM		25				25			25	
6:45 PM		27				27			27	
7:00 PM		26				26			26	
7:15 PM		18				18			18	
7:30 PM		14				14			14	
7:45 PM		14				14			14	
8:00 PM		9				9			9	
8:15 PM		9				9			9	
8:30 PM		13				13			13	
8:45 PM		6				6			6	
9:00 PM		8				8			8	
9:15 PM		7				7			7	
9:30 PM		3				3			3	
9:45 PM		11				11			11	
10:00 PM		6				6			6	
10:15 PM		7				7			7	
10:30 PM		3				3			3	
10:45 PM		11				11			11	
11:00 PM		8				8			8	
11:15 PM		5				5			5	
11:30 PM		6				6			6	
11:45 PM		1				1			1	
<b>Day Total</b>		2105				2105			2105	
% Weekday Average		100.0%								
% Week Average		100.0%				100.0%				
AM Peak		7:30 AM				7:30 AM			7:30 AM	
Volume		83				83			83	
PM Peak		2:45 PM				2:45 PM			2:45 PM	
Volume		67				67			67	
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave West Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139606 <b>DIRECTION:</b> EB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 AM		3				3			3	
12:15 AM		0				0			0	
12:30 AM		1				1			1	
12:45 AM		0				0			0	
1:00 AM		0				0			0	
1:15 AM		0				0			0	
1:30 AM		1				1			1	
1:45 AM		0				0			0	
2:00 AM		0				0			0	
2:15 AM		0				0			0	
2:30 AM		0				0			0	
2:45 AM		0				0			0	
3:00 AM		0				0			0	
3:15 AM		0				0			0	
3:30 AM		0				0			0	
3:45 AM		2				2			2	
4:00 AM		1				1			1	
4:15 AM		0				0			0	
4:30 AM		0				0			0	
4:45 AM		1				1			1	
5:00 AM		1				1			1	
5:15 AM		0				0			0	
5:30 AM		0				0			0	
5:45 AM		2				2			2	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

<b>LOCATION:</b> 6th St & W Pacific Ave West Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139606 <b>DIRECTION:</b> EB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 AM		2				2			2	
6:15 AM		2				2			2	
6:30 AM		4				4			4	
6:45 AM		3				3			3	
7:00 AM		18				18			18	
7:15 AM		35				35			35	
7:30 AM		34				34			34	
7:45 AM		21				21			21	
8:00 AM		6				6			6	
8:15 AM		7				7			7	
8:30 AM		5				5			5	
8:45 AM		6				6			6	
9:00 AM		6				6			6	
9:15 AM		2				2			2	
9:30 AM		6				6			6	
9:45 AM		7				7			7	
10:00 AM		7				7			7	
10:15 AM		10				10			10	
10:30 AM		10				10			10	
10:45 AM		7				7			7	
11:00 AM		7				7			7	
11:15 AM		11				11			11	
11:30 AM		8				8			8	
11:45 AM		10				10			10	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

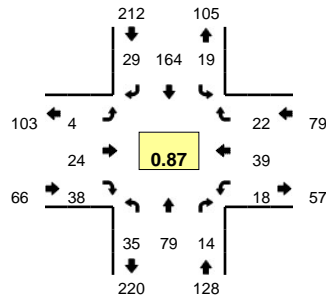


<b>LOCATION:</b> 6th St & W Pacific Ave West Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139606 <b>DIRECTION:</b> EB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
12:00 PM		10				10			10	
12:15 PM		10				10			10	
12:30 PM		3				3			3	
12:45 PM		6				6			6	
1:00 PM		10				10			10	
1:15 PM		7				7			7	
1:30 PM		7				7			7	
1:45 PM		12				12			12	
2:00 PM		8				8			8	
2:15 PM		11				11			11	
2:30 PM		17				17			17	
2:45 PM		12				12			12	
3:00 PM		16				16			16	
3:15 PM		18				18			18	
3:30 PM		18				18			18	
3:45 PM		16				16			16	
4:00 PM		9				9			9	
4:15 PM		8				8			8	
4:30 PM		12				12			12	
4:45 PM		24				24			24	
5:00 PM		14				14			14	
5:15 PM		17				17			17	
5:30 PM		11				11			11	
5:45 PM		11				11			11	
<b>Day Total</b>										
% Weekday Average										
% Week Average										
AM Peak Volume										
PM Peak Volume										
<i>Comments:</i>										

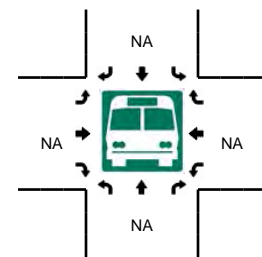
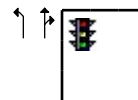
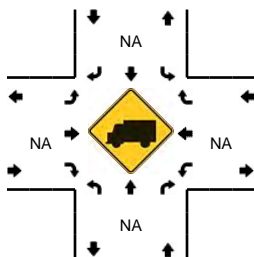
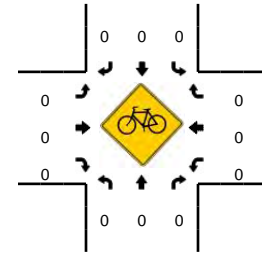
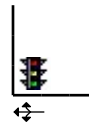
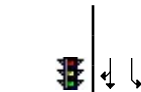
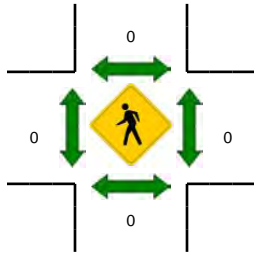
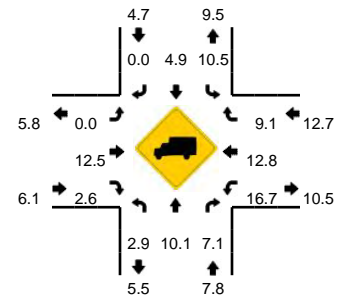
<b>LOCATION:</b> 6th St & W Pacific Ave West Leg Approach <b>SPECIFIC LOCATION:</b> 100 ft from 6th St <b>CITY/STATE:</b> Osawatomie, KS						<b>QC JOB #:</b> 13139606 <b>DIRECTION:</b> EB <b>DATE:</b> Dec 16 2014 - Dec 16 2014				
Start Time	Mon	Tue 16-Dec-14	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic	Average Week Profile
6:00 PM		12				12			12	
6:15 PM		13				13			13	
6:30 PM		12				12			12	
6:45 PM		11				11			11	
7:00 PM		7				7			7	
7:15 PM		2				2			2	
7:30 PM		4				4			4	
7:45 PM		6				6			6	
8:00 PM		5				5			5	
8:15 PM		6				6			6	
8:30 PM		2				2			2	
8:45 PM		13				13			13	
9:00 PM		9				9			9	
9:15 PM		8				8			8	
9:30 PM		3				3			3	
9:45 PM		1				1			1	
10:00 PM		1				1			1	
10:15 PM		4				4			4	
10:30 PM		3				3			3	
10:45 PM		3				3			3	
11:00 PM		4				4			4	
11:15 PM		0				0			0	
11:30 PM		1				1			1	
11:45 PM		0				0			0	
<b>Day Total</b>		663				663			663	
% Weekday Average		100.0%								
% Week Average		100.0%				100.0%				
AM Peak		7:15 AM				7:15 AM			7:15 AM	
Volume		35				35			35	
PM Peak		4:45 PM				4:45 PM			4:45 PM	
Volume		24				24			24	
<i>Comments:</i>										

**LOCATION:** 6th St -- Pacific Ave  
**CITY/STATE:** Osawatomie, KS

**QC JOB #:** 13139601  
**DATE:** Tue, Dec 16 2014



**Peak-Hour: 7:15 AM -- 8:15 AM**  
**Peak 15-Min: 7:30 AM -- 7:45 AM**

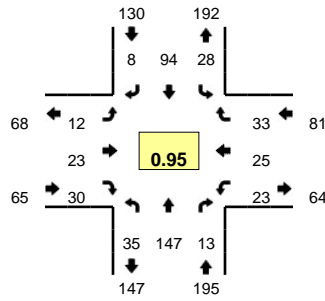


15-Min Count Period Beginning At	6th St (Northbound)				6th St (Southbound)				Pacific Ave (Eastbound)				Pacific Ave (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
6:30 AM	1	3	2	0	2	12	0	0	0	1	2	0	2	1	2	0	28	
6:45 AM	1	6	3	0	5	22	0	0	0	1	1	0	5	4	5	0	53	
7:00 AM	6	10	3	0	9	16	2	0	0	1	2	0	4	5	5	0	63	
7:15 AM	11	18	3	0	6	43	15	0	0	7	12	0	7	6	6	0	134	278
7:30 AM	12	16	1	0	3	51	8	0	2	9	12	0	2	18	6	0	140	390
7:45 AM	9	22	5	0	7	45	3	0	1	5	12	0	6	12	7	0	134	471
8:00 AM	3	23	5	0	3	25	3	0	1	3	2	0	3	3	3	0	77	485
8:15 AM	3	9	2	0	5	21	1	0	1	4	3	0	3	1	7	0	60	411
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	48	64	4	0	12	204	32	0	8	36	48	0	8	72	24	0	560	
Heavy Trucks	0	4	0	0	0	8	0	0	0	0	4	0	0	4	0	0	20	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

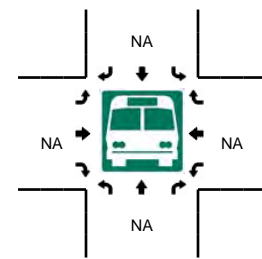
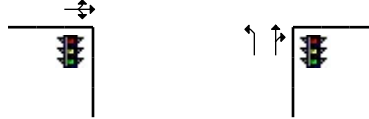
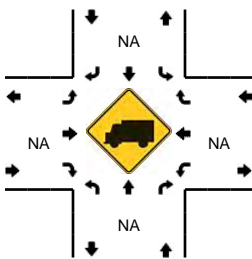
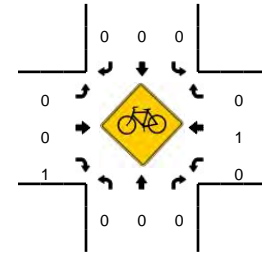
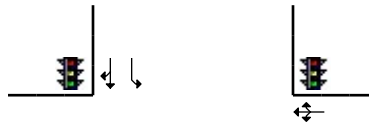
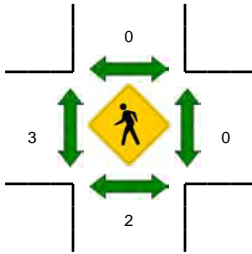
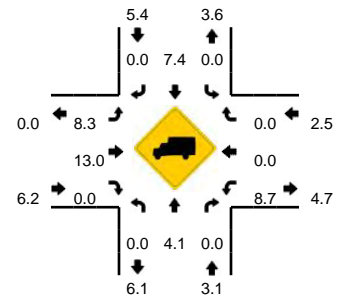
Comments:

**LOCATION:** 6th St -- Pacific Ave  
**CITY/STATE:** Osawatomie, KS

**QC JOB #:** 13139602  
**DATE:** Tue, Dec 16 2014



**Peak-Hour: 3:00 PM -- 4:00 PM**  
**Peak 15-Min: 3:00 PM -- 3:15 PM**



15-Min Count Period Beginning At	6th St (Northbound)				6th St (Southbound)				Pacific Ave (Eastbound)				Pacific Ave (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
2:30 PM	13	23	3	0	4	24	1	0	1	4	8	0	4	5	11	0	101	
2:45 PM	8	20	3	0	3	45	3	0	2	4	5	0	4	5	3	0	105	
3:00 PM	10	39	3	0	4	23	2	0	6	11	8	0	2	7	9	0	124	
3:15 PM	8	31	3	0	6	17	1	0	3	4	6	0	9	7	10	0	105	435
3:30 PM	7	40	4	0	9	28	4	0	2	2	11	0	7	6	4	0	124	458
3:45 PM	10	37	3	0	9	26	1	0	1	6	5	0	5	5	10	0	118	471
4:00 PM	6	33	4	0	6	25	0	0	2	7	6	0	5	4	6	0	104	451
4:15 PM	8	32	2	0	6	27	1	0	1	7	2	0	10	6	5	0	107	453
4:30 PM	6	35	6	0	6	23	4	0	3	5	11	0	4	5	4	0	112	441
4:45 PM	6	37	5	0	2	21	5	0	2	8	5	0	8	9	12	0	120	443
5:00 PM	5	29	7	0	5	19	2	0	4	6	6	0	7	6	4	0	100	439
5:15 PM	8	23	7	0	3	33	2	0	4	6	4	0	6	4	3	0	103	435
5:30 PM	8	33	12	0	11	26	2	0	1	6	6	0	6	3	13	0	127	450
5:45 PM	5	29	7	0	4	27	0	0	4	4	9	0	8	3	5	0	105	435
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	40	156	12	0	16	92	8	0	24	44	32	0	8	28	36	0	496	
Heavy Trucks	0	4	0		0	4	0		0	4	0		0	0	0		12	
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																		
Stopped Buses																		

Comments:

**CITY OF OSAWATOMIE**  
**Traffic Signal Warrant Study**

Preliminary Costs  
1/26/2015

**6th St. & W.Pacific Ave.**

<b>Signage</b>	Quantity	Units	Unit Price	Total
Permanent Signs (Flat Sheet) (High Performance)	49	SF	\$ 20.00	\$ 970.00
Mounting post (2-1/2" perforated square steel tube)	78	LF	\$ 15.00	\$ 1,170.00
TTC Sign and post removal	1	LS	\$ 500.00	\$ 500.00
Miscellaneous items	1	LS	25%	\$ 660.00
Contingencies	1	LS	30%	\$ 990.00
			<b>Total Cost</b>	<b>\$ 4,290.00</b>
<b>Traffic Signals</b>				
Traffic Signal Removal	1	LS	\$ 4,000.00	\$ 4,000.00
Street Light Relocation	1	LS	\$ 2,000.00	\$ 2,000.00
Miscellaneous items	1	LS	25%	\$ 1,500.00
Contingencies	1	LS	30%	\$ 2,250.00
			<b>Total Cost</b>	<b>\$ 9,750.00</b>
<b>Pavement Marking</b>				
Stop Lines Pavement Markings	24	LF	\$ 2.00	\$ 48.00
Left Turn Bay Pavement Markings	150	LF	\$ 2.00	\$ 300.00
Centerline Pavement Marking	300	LF	\$ 2.00	\$ 600.00
Left Turn Bay Arrows Pavement Markings	1	LS	\$ 1,000.00	\$ 1,000.00
Miscellaneous items	1	LS	25%	\$ 490.00
Contingencies	1	LS	30%	\$ 730.00
			<b>Total Cost</b>	<b>\$ 3,168.00</b>



**INTERSECTION CONTROL MAP**

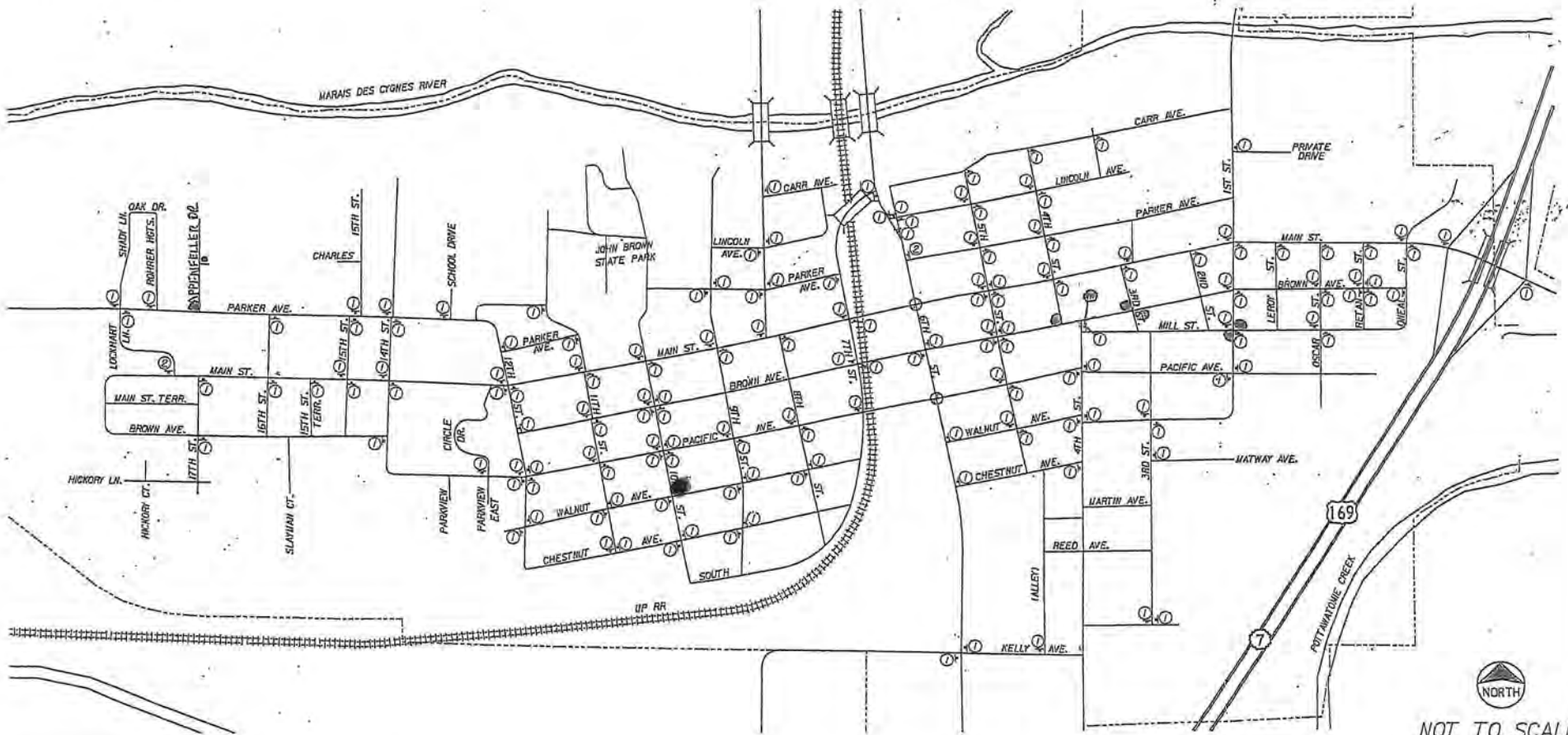
REVISIONS	
DESCRIPTION	DATE
ADOPTED	2015-11-12



### INTERSECTION CONTROL MAP

REVISIONS	
DESCRIPTION	DATE
ADOPTED	2015-11-12

PROPOSED 8/26/10



**LEGEND**

- △ INTERSECTION CONTROL SIGN
- ① EXISTING STOP (RI-1)
- ② EXISTING YIELD (RI-2)
- ③ EXISTING TRAFFIC SIGNAL

● stop sign  
● yield sign

**EXISTING INTERSECTION CONTROL**

City of Osawatimie  
Resolution No. 620 - Adopted August 13, 2009  
632 August 26, 2010

FIGURE A-10  
EXISTING INTERSECTION CONTROL  
Osawatimie, Kansas

DESIGNED	DLE	DRAWN	DLE
CHECKED	JJS	DATE	9/05
SCALE	NONE	SHEET NO.	10

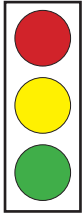
TRANSYSTEMS CORPORATION



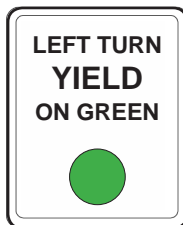
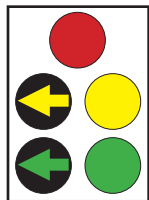
## LEFT TURN SIGNALS

There are three types of left turn phasing: permissive, protected/permissive, and protected only.

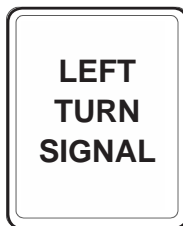
In permissive left turn phasing, vehicles are required to wait for an adequate gap in the opposing vehicular and pedestrian traffic prior to making their turn on a green ball indication.



With protected/permissive phasing the vehicles are given a protected phase (green arrow) in which they may turn and opposing vehicles are controlled by stop (red) indications. This is followed by a permissive (green ball) phase. As with the permissive left turn phasing above, drivers must choose an adequate gap in opposing traffic. This type of control is commonly signed "LEFT TURN YIELD ON GREEN (GREEN BALL)".



When an approach is controlled by protected only phasing, drivers may turn only when they receive a green arrow. This type of control is commonly signed "LEFT TURN SIGNAL".



## FLASHING TRAFFIC SIGNALS

Traffic signals may operate in a flashing operation during emergencies, night time/low traffic volume periods, and special events. Flashing signal indications have the following meaning:

- \* When a red flashing lens is illuminated, drivers shall stop at a clearly marked stop line, but if none, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a STOP sign.
- \* When a yellow flashing lens is illuminated, drivers of vehicles may proceed through the intersection or past such signal only with caution.

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This information is available in alternative accessible formats. To obtain an alternative format, contact the Kansas Department of Transportation, Office of Transportation Information, 2<sup>nd</sup> Floor-West Wing, Eisenhower State Office Building, Topeka, Kansas, 66603-3745 or phone (785) 296-3585 (Voice)/Hearing Impaired-711.

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# Are Traffic Signals



  
**KANSAS**  
DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Safety and Technology

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## **TRAFFIC SIGNALS**

The first electric signal in the United States was installed in Cleveland, Ohio in 1914. From these modest beginnings, traffic signal technology has greatly expanded and has become a critical element in the safe and efficient control of traffic on our streets and highways. Traffic signals are used to assign vehicular or pedestrian right of way. By providing alternate right of way traffic signals exert a profound influence on traffic flow and can operate to the advantage or disadvantage of the vehicles or pedestrians they control.

A careful analysis of traffic operations and other factors at a large number of signalized and unsignalized intersections, coupled with the judgment of experienced engineers, have provided a series of warrants that define the minimum conditions under which signal installations may be justified.

Traffic signals can not be installed unless one of the warrants specified by the Manual on Uniform Traffic Control Devices (MUTCD) has been satisfied. The MUTCD is a document that is published by the Federal Highway Administration and has been adopted by the Kansas Department of Transportation. These warrants are based on a number of factors including: the number of vehicles, pedestrian activity, vehicular speeds, crash history, population of the city, and number of traffic lanes. The satisfaction of a warrant or warrants is not in itself justification for a signal. A traffic engineering study must be conducted to determine if the traffic signal should be installed.

## **ADVANTAGES OF SIGNALS**

Traffic signals are valuable devices for the control of vehicle and pedestrian traffic. Warranted traffic signals, properly located and operated, usually have one or more of the following advantages:

1. They can provide for the orderly movement of traffic.
2. Where proper physical layouts and control measures are used, they can increase the traffic-handling capacity of the intersection.
3. Under favorable conditions, they can be coordinated to provide for continuous or nearly continuous movement of traffic at a definite speed along a given route.
4. They can be used to interrupt heavy traffic to permit other traffic, vehicular or pedestrian, to cross.

## **DISADVANTAGES OF SIGNALS**

It is unfortunate that traffic signals have become regarded by the public as a panacea or "cure-all" for any and all traffic concerns at intersections. The following factors can result from an improper or unwarranted signal installation:

1. Excessive delay may be caused. Even the best designed and operated signals usually increase delay when compared to unsignalized intersections. However, unnecessary delay is a common feature of an unwarranted or an improperly designed traffic signal. This unnecessary delay results in significant fuel waste and higher motorist costs.

2. Disobedience of the signal indications is encouraged. Delay at unwarranted or poorly designed traffic signals can breed gross disrespect toward signals as well as other traffic control devices.
3. The use of less adequate routes may be encouraged in an attempt to avoid such signals.
4. Crash frequency can be significantly increased at unwarranted signals or at locations where installation was not based on sound engineering analysis. Crashes related to signal control may develop during periods of comparatively low volume. Typical crash types are rear-end collisions and angle collisions due to drivers either willfully or unintentionally running the red light.

## **COST OF SIGNALS**

Traffic signals are much more costly than is commonly realized, even though they represent a sound public investment when justified. A modern signal can cost taxpayers between \$125,000 and \$200,000 to install depending on the complexity of the intersection and the characteristics of the traffic using it.

On top of this, there is a perpetual cost which is almost never considered - the cost of the electrical power consumed in operation a signalized intersection 24 hours a day, and the associated maintenance costs. These costs can be \$1,000 to \$2,500 a year.

## MEMORANDUM

**TO:** City of Osawatomie Mayor and Council and City Manager  
**FROM:** Richard Wetzler  
**DATE:** November 11, 2015  
**RE:** Recent Legislative Changes of Election Law.

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As you are aware, in its most recent session, the Kansas Legislature enacted a number of new laws that deal with municipal elections. Some of the changes that were enacted and approved by the Governor require cities in Kansas to revise ordinances that deal with municipal elections. The law also permits cities to make substantial changes as to the form and operation of the City. This memo is intended to advise you of certain of these new laws so that you can decide what changes are required. After staff has received input from the Council, we will prepare appropriate ordinances for your consideration. Generally, the question to be answered is whether the Council wants adopt a new ordinance that changes only the dates for elections and generally keeps everything else as at present or, in the alternative, does the Council wish to make changes to numbers of Council members, terms, staggering of terms, frequency of elections, and other options that are considered in the new legislation.

A. The Statutory changes.

I have attached to this memo the pertinent sections of Kansas House Bill 2104 that became law on July 1, 2014. Probably the single most significant requirement of this law is the requirement that all city elections are moved from April to November. The act provides:

New Sec. 7. (a) On and after January 1, 2017, all primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and **all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of 2017 of odd-numbered years and on such date thereafter.**

Additionally, the law, among other things, permits cities to establish by ordinance the terms of elected officials. Section 9(c) provides:

- (c) The governing body of the city may establish by ordinance any of the following:
- (1) The powers and duties of the governing body, including the mayor

and other elected officials;

- (2) the terms of office of members of the governing body, including the mayor and other elected officials of either two, three or four years;
- (3) the election by ward or district of members of the governing body, if applicable;
- (4) the powers and duties of the city manager, if applicable;
- (5) the administrative departments of the city; and
- (6) other matters deemed appropriate by the governing body.

Section 7(h) of the law permits cities to hold an election in even numbered years for the purpose of staggering elections or to establish three year terms. This section provides:

(h) Cities may provide for elections of elected officials in even-numbered years in order to provide for staggered terms of office or for three-year terms of office for elected officials.

Section 71 of the law provides in part with respect to filling of Council vacancies and requires an election if the process is not completed within sixty days:

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If the appointment is not made within the 60-day time frame, the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.

The Kansas League of Municipalities recommends that cities charter out of the new provision which would make our current provisions regarding replacement of Council members continue to be applicable.

#### B. Existing conflicts.

City of Osawatome Charter Ordinance No. 2 as codified in section 6-101 calls for elections in April and makes no reference to elections being held at a date other than April and while not specifically stated believe that it has been construed to call for elections in April of each year, with half of the Council being up for election each year. As this Charter ordinance will need to be repealed by a charter ordinance, a new ordinance should be adopted that establishes the election date, the terms of office and the date that new elected Mayor and Council members would take office. Also because the new law calls for the first required November

election to occur in November of 2017, there is a question about what to do about April 2016 elections and if held when would the terms of persons elected end.

So here are the questions that need to be answered:

1. What will be the terms of office for Mayor and Council
2. How will the City transition from April elections with new Council members taking office at the first meeting following certification of election to the second Monday in January as required by the new act.
3. When to hold the next municipal election, i.e., April 2016 or November of 2016 Or November 2017.
4. Does the Council wish to charter out of the provision that calls for a special election to replace a council member where the selection is not made within 60 days.
5. Does the Council wish to make any changes to the number of Council members or other matters that deal with the structure of city government?

New Sec. 7. (a) On and after January 1, 2017, all primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of 2017 of odd-numbered years and on such date thereafter.

(b) The term of members of governing bodies and other elected officials of any municipality that would expire at any time in 2017 shall expire on the second Monday in January of 2018, when newly elected members of the governing body and other newly elected officials shall take office.

(c) The governing body of the municipality shall establish by ordinance or resolution terms of office of elected officials to comply with this act.

(d) Primary elections for any municipality shall be conducted as provided in K.S.A. 25-202, and amendments thereto. A primary election shall only be required as provided in K.S.A. 25-2021 and 25-2108a, and amendments thereto, or as otherwise required by law.

(e) The filing deadline for all candidates for any municipality, unless otherwise provided by law, shall be as provided in K.S.A. 25-205, and amendments thereto.

(f) Any person who meets the qualifications for the office sought may become a candidate for municipal office by filing a declaration of intent to become a candidate with the county election officer accompanied by a filing fee of \$20.

(g) “Municipality” means: (1) Any city, consolidated city-county created under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2014 Supp. 12-360 et seq., and amendments thereto, school district, any board of public utilities created under K.S.A. 13-1220 et seq., and amendments thereto, community college, drainage district, extension district created under K.S.A. 2-623 et seq., and amendments thereto, irrigation district, improvement district created under K.S.A. 19-2753 et seq., and amendments thereto, water district created under K.S.A. 19-3501 et seq., and amendments thereto, and hospital district created under K.S.A. 80-2501 et seq., and amendments thereto.

(2) The term does not include any special district where the election of members of the governing body is conducted at a meeting of the special district.

(h) Cities may provide for elections of elected officials in even-numbered years in order to provide for staggered terms of office or for three-year terms of office for elected officials.

New Sec. 9. (a) Subject to subsection (b) and section 10, and amendments thereto, any city may adopt by ordinance one of the following forms of government:

(1) Commission;

(2) mayor-council;

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(3) commission-manager;

(4) mayor-council-manager;

(5) council-manager; or

(6) any other form of government authorized by law or by ordinance or charter ordinance of the city.

(b) Any city which has operated for four or more years under a form of government may abandon such form and adopt a different form of government. The provisions of K.S.A. 12-184, and amendments thereto, shall govern the procedure for the adoption or abandonment of such form of government.

(c) The governing body of the city may establish by ordinance any of the following:

(1) The powers and duties of the governing body, including the mayor and other elected officials;

(2) the terms of office of members of the governing body, including the mayor and other elected officials of either two, three or four years;

(3) the election by ward or district of members of the governing body, if applicable;

(4) the powers and duties of the city manager, if applicable;

(5) the administrative departments of the city; and

(6) other matters deemed appropriate by the governing body.

New Sec. 71. (a) The purpose of this section is to provide an orderly and prompt means of filling vacancies in the governing body of a municipality. Prolonged vacancies in the governing body of a municipality deprive citizens of their right to representation and act as impediments to the orderly function of government of municipalities.

(b) As used in this section, the following terms are defined as follows:

(1) "Governing body" shall include the mayor and members of the council, the mayor and commissioners or the chairperson and members of the board of supervisors, depending on the form of government of the city or the consolidated city and county.

(2) "Municipality" means any city or any consolidated city and county.

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If the appointment is not made within the 60-day time frame,

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the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.



**CHARTER ORDINANCE NO. 12**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF OSAWATOMIE, KANSAS, FROM THE PROVISIONS OF L. 2015, CH. 88, SEC. 11, RELATING TO THE CITY MANAGER FORM OF GOVERNMENT AND FROM THE PROVISIONS OF K.S.A. 14-103 and 14-201 RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE APPOINTMENT OF OFFICERS, AND NOMINATION PETITIONS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCE NO. 2.**

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

WHEREAS, the Kansas Legislature passed L. 2015, ch. 88 (H.B. 2104), which amended and transferred the statutory provisions for the mayor-council-manager form of government, and L. 2015, ch. 88, sec. 8(a) states that a city shall continue to operate under its current form of government if established at an election until such time that the city's form of government is changed;

WHEREAS, the statutory provisions for the mayor-council-manager form of government have been recodified in L. 2015, ch. 88, sec. 11;

WHEREAS, L. 2015, ch. 88, sec. 8(b) states that all existing ordinances and charter ordinances relating to a city's form of government shall remain in effect until amended or repealed by such city;

WHEREAS, the City of Osawatomie, Kansas, wishes to exempt itself from provisions within L. 2015, ch. 88, sec. 11 and provide for the election of its Mayor and Council and the terms of office.

WHEREAS, the City of Osawatomie previously adopted Charter Ordinance No. 2 which exempted the City from the provisions of Kansas Statutes Annotated Sections 14-103 and 14-201 and by said Charter Ordinance adopted alternative provisions relating to City government and elections of the Mayor and City Council.

Whereas, the City of Osawatomie wishes to exempt itself from the provisions of Kansas Statutes Annotated Sections 14-103 and 14-201 and to repeal Charter Ordinance No. 2 and replace said Charter Ordinance and adopt and revise provisions relating to City government and elections of the Mayor and City Council. .

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

Section 1. The City of Osawatomie, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of L. 2015 ch. 88 sec. 11 and Sections 14-103 and 14-201 of Kansas Statutes Annotated that apply to this city, but are parts of enactments which do not apply uniformly to all cities.

Section 2. The City of Osawatomie, Kansas, continues to operate under the mayor-council-manager form of government and pursuant to all existing ordinances and charter ordinances relating to its form of government. The governing body shall consist of a mayor and eight council members to be elected to terms as set forth herein. The mayor and council members shall be residents and qualified electors of the City of Osawatomie, Kansas. The governing body of the city may, by ordinance, divide the city into wards and precincts, establish the boundaries thereof, and number the same. No ordinance redefining wards and precincts shall become effective less than 30 days prior to the next regular city election.

Section 3. Those governing body positions with terms that would have expired in April 2017, shall expire on the second Monday in January of 2018, when the city officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April 2016, shall expire when the city officials elected in the April 2016 general election take office. Officials elected in the April 2016 election shall take office at the first regular meeting of the governing body following certification of the election by the County election officer and will expire on the second Monday in January of 2019, when the city officials elected in the November 2018 general election take office.

Section 4. A general election shall take place on the first Tuesday in April of 2016 for the purpose of electing positions on the governing body that will expire in April of 2016. Commencing in November of 2017, general elections shall take place on the Tuesday succeeding the first Monday in November 2017, and on the Tuesday succeeding the first Monday in November of each year thereafter for all such governing body positions whose terms will expire in January of the following year. The governing body shall be elected to terms as set forth herein. Two council members shall be elected from each ward. The mayor shall be elected at large. Council members shall be elected from the ward in which they are a resident.

Section 5. After the election to be held on November of 2017 elections will be held every year for all such governing body positions whose terms will expire in January of the following year. A mayor and four council members shall be elected at the election to be held in odd numbered years, and the remaining four council members shall be elected at the election to be held in even numbered years. The mayor and all council members shall have two year terms. One council member from each ward shall be elected at one election, and the other council member from that ward shall be elected at the succeeding election. The council members shall have \_\_\_ year terms. The Mayor shall have a \_\_\_ year term.

Section 6. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 7. This Charter Ordinance shall take effect 61 days after the final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

Section 9. Charter Ordinance No. 2 is repealed.

Passed by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this \_\_\_\_ day of \_\_\_\_\_, 2015.

Mayor

Attest:

City Clerk

[SEAL]

**AN ANALYSIS OF 2015  
H.B. 2104: CHANGING  
THE TIMING OF CITY  
ELECTONS**

Produced by the League of Kansas Municipalities

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## An Overview of 2015 HB 2104

By Mike Koss

This year, the Kansas Legislature passed HB 2104 (the Act), which moved city elections from April of odd-years to November of odd-years. This article attempts to provide guidance on what cities should do to comply with the Act and how to adjust for the timing changes.

### Timing, Terms, and Primary Elections

Three subsections of the Act authorize cities to continue using numerous combinations of staggered or non-staggered terms:

- L. 2015, ch. 88, sec. 7(c) **requires** that cities establish by ordinance the terms of office of their elected officials;
- L. 2015, ch. 88, sec. 9(c)(2) allows governing bodies to establish by ordinance terms of two, three, or four years; and
- L. 2015, ch. 88, sec. 7(h) allows cities to hold elections in November of even-numbered years for the purposes of staggering elections or to establish three-year terms of office.

Whatever election cycles a city establishes, terms of office must now begin on the second Monday in January following the certification of the election.<sup>i</sup> Previous language from K.S.A. 25-2120 stated that these terms began at the “first regular meeting of the governing body following certification of the election results.” If your city has incorporated this statutory language into an ordinance, that ordinance should be changed to reflect the new commencement date. Since commencement is now tied to a specific date rather than a meeting, it may also be appropriate for cities to amend their regular meeting ordinance. Creating an additional regular meeting on the second Monday in January following certification of an election would allow all newly elected officials to take their oaths of office on the day that their terms begin. Alternatively, cities could call a special meeting on that date, specifically for newly elected officials to take their seats.

Many cities of the second and third class have chartered out of K.S.A. 14-201, K.S.A. 14-1204, K.S.A. 15-201, and K.S.A. 15-1302 to change the length or stagger the terms of their governing body.<sup>ii</sup> Cities do not need to change these charter ordinances unless they specifically reference an April election. If the charter ordinance does reference April, the city should amend it to reflect the November election date. Cities of the first class should also amend their ordinances to reflect this change. For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act **requires** the city to adopt an ordinance establishing terms.<sup>iii</sup> The League has developed several model ordinances for this purpose, which you can view at <http://www.lkm.org/resources/ordinances/elections>.

Many cities have passed charter ordinances exempting themselves from the provisions of K.S.A. 25-2107 in order to hold elections in April of even-years. Because the filing deadline for city elections has been moved from February to June and the *2015 Composite Listing of New, Amended and Repealed Statutes* issued by the Office of Revisor lists the effective date for all sections of HB 2104 as July 1,

2015, it is the League's opinion that there is no statutory authority for the April 2016 elections to take place.<sup>iv</sup> However, the Secretary of State's office has indicated that it will use the authority granted to it in L. 2015, ch. 88, sec. 15(d) to authorize April 2016 elections and establish rules for those elections. It is the League's opinion that, once adopted, these rules will provide sufficient authority for the April 2016 elections to take place. Instead of going forward with April 2016 elections, cities can also pass an ordinance establishing a new election cycle using either odd-year or a combination of odd and even-year November elections.<sup>v</sup> For cities with odd-year elections, that have also adopted ordinances incorporating the old April odd-year election language in K.S.A. 25-2107, these ordinances should be amended to reflect the changes to the statute.

The Act authorizes cities to hold partisan elections after passing an ordinary ordinance. However, the Hatch Act prohibits federal employees and active duty military officers from running for partisan offices. Changing to partisan elections would also cause issues with a city's primary election process. Any city considering holding partisan elections is encouraged to call the League to discuss these issues.

### Transitions

Once a city establishes terms, it needs to consider how current office-holders will transition their terms to the new election cycle. The Act only contains one section controlling term transitions. L. 2015, ch. 88, sec. 7(a) states that terms that would have ended in April 2017 will now end in January 2018, when the officials elected in the November 2017 general election take office.<sup>vi</sup> The Act does not address the transition for city officials whose terms end in April 2016, 2018, or 2019. The League is considering introducing legislation next session to address these terms. However, it's not certain that that legislation will pass, and even if it does, it may not be in time to deal with those officials whose terms would have ended in April 2016.

Because a legislative solution is uncertain, cities with terms ending in April 2016 that no longer want to hold spring elections may want to use the authority in L. 2015, ch. 88, sec. 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to initiate a November even-year election cycle) or January 2018 (if the city wants to move those terms to a November odd-year election cycle).<sup>vii</sup> This extension should be included in the same ordinance that establishes or amends the terms of office of the elected officials. As an alternative, cities currently on a April even-year cycle that are considering a 20 month extension to get on a November odd-year cycle could authorize by ordinance a November 2016 election for a one or three year term.

Cities could also choose to do nothing, and the current office-holders would continue in office until the next election for that office.<sup>viii</sup> *Murray v. Payne*, 137 Kan. 685 (1933), explains that, where the legislature has changed municipal terms of office so that there is an interim period between when one term was to end and the new term is to begin, the current office-holders continue in office until the newly-elected officials take office. Therefore, if no action is taken regarding the extension of terms for elected officials whose terms were to end in April 2016, those officials will continue in office until the term commences for the next person elected to that position (the commencement date would be

determined by the city's ordinance). The same rule applies to officials whose terms end in 2018 or 2019 – an ordinance can be passed extending their terms, or the city can do nothing, and the officials will continue in office until the term commences for the next person elected to that office.

Some officials have expressed concern that action taken by officials during these interim transition periods will not be binding, which could expose cities to potential litigation from parties seeking to invalidate governing body actions during this period. Luckily, the Kansas Supreme Court has already addressed this issue. In *Hale v. Bischoff*, 53 Kan. 301 (1894), the Court stated that, “[a]n officer whose official term has expired, but who remains in possession of the office, having full control thereof and exercising the functions of the same, is an officer de facto, and all of his acts, within the limits of his official power, are valid as respects the public and third persons.” Therefore, cities should not worry that action taken during these interim periods could be invalidated by subsequent litigation.

#### Appointments and Statement Of Substantial Interest Deadlines

Several city officials have pointed out that the new term commencement dates no longer correspond to appointment dates for city officers. However, only mayor-council cities of the third class are required to make appointments during a specific month. K.S.A. 15-204 states that appointments for these cities are to be made, “at the first regular meeting in May of each year...” For cities that have chartered out of this statute, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses). For mayor-council cities of the third class that have not chartered out of K.S.A. 15-204, or do not plan on doing so, appointments should continue to take place at the first regular meeting in May. The League is considering introducing legislation to amend this statute so the appointment month corresponds to the new commencement day for elected officials.

For mayor-council cities of the second class, and commission cities of the second and third class, state statutes do not designate a specific month for appointments; they only designate that the terms of appointed officers be for one year.\* However, since those appointments likely have taken place during meetings in April or May in the past (depending on the city's ordinance), without action, new officials who take office in January would now have to wait three to four months to vote on renewing the city appointee's one-year terms. Any cities that have not chartered out of these statutes may want to consider amending their ordinances so that appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of the current appointee's one-year terms in April or May can simply be ignored, so those officials continue in office as “holdovers” until the next, newly-established February appointment meeting. Cities of the first class that have not chartered out of K.S.A. 13-527 must establish terms of city officers by ordinance, so they may need to consider a similar ordinance amendment and transition process.

Another statute that was not changed to correspond to the new election cycle is K.S.A. 75-4302a, which requires that statements of substantial interests be filed:

- By an individual appointed on or before April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of that year.



- By an individual appointed after April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, within 15 days after the appointment.
- By any individual holding an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of any year if, during the preceding calendar year, any change occurred in the individual's substantial interests.

These dates continue in effect even though they no longer correspond with municipal election dates. The League is considering legislation to amend the dates in this statute.

### Filing Deadlines and Requirements

The Act also contains numerous changes to candidate filing requirements. L. 2015, ch. 88, sec. 15(b) indicates that the candidate filing deadline for city offices is June 1. The Act also made changes to the notification of vacant offices, candidate filing fees, where candidates must file for office, and nominating petition requirements. City clerks must now inform the county election officer of all city offices to be voted on at the next election not later than May 1 of every year that the city has an election.<sup>x</sup> Also, the filing fee for city office is now \$20 for all sizes of cities.<sup>xi</sup> Additionally, candidates elected at large may no longer file through the city clerk's office - candidate filings must take place at the county election office.<sup>xii</sup> Finally, these cities must establish by ordinance the number of qualified electors of the city that must sign a nomination petition.<sup>xiii</sup> The League has developed model ordinances that satisfy this requirement.<sup>xiv</sup> Because of the increased filing fee for cities of the second and third class, the League encourages cities to create a low threshold for nomination petitions, so that potential candidates have a cost-effective means of filing for city office.

### City Manager Form of Government

To move elections to November for all cities, the legislature repealed what was commonly known as the City Manager Plan Act (the CMPA), which about 60 Kansas cities had used to adopt the city manager form of government. City managers and city attorney's across the state expressed alarm at the repeal of these statutes, and the potential to use ordinary ordinances to overturn voter-approved adoptions of the CMPA for those city governments. The League responded by introducing an amendment recodifying the core parts of the CMPA, and retaining the continued operation of the CMPA for those cities that had adopted it. In L. 2015, ch. 88, sec. 8(a), the League amendment establishes that cities shall continue to operate under current forms of government adopted via an election (which is how cities were required to adopt the CMPA). In L. 2015, ch. 88, sec. 9(a), our amendment makes a city's ability to adopt a new form of government with an ordinance subject to the recodified version of the CMPA, which continues to require an election for adoption. Finally, L. 2015, ch. 88, sec.'s 10 through 12 contain the new language of the uniform CMPA, including provisions requiring that its abandonment can only occur via an election. For these reasons, it is the League's opinion that cities that have adopted the city manager form of government by election now operate under the provisions in L. 2015, ch. 88, sec.'s 10 through 12. If a city desires, it may affirm this

fact by stating as much in an ordinary ordinance. The League has developed a model ordinance for this purpose, which includes additional provisions the city may need to replace the repealed statutes.<sup>xv</sup>

The savings clause in L. 2015, ch. 88, sec. 8 for existing forms of government also applies to all existing charter ordinances related to a city's form of government. Therefore, it is the League's opinion that cities that have adopted the CMPA via election, but have chartered out of some of its provisions, continue to operate under L. 2015, ch. 88, sec.'s 10 through 12, and those sections are supplemented by the city's charter ordinances relating to its form of government.

### Filling Governing Body Vacancies

The Act also creates new rules for filling governing body vacancies. The intent of L. 2015, ch. 88, sec. 71 is to require cities to hold special elections to fill vacancies in the governing body if those vacancies are not filled within 60 days. However, these sections conflict with a number of current statutes, and there are numerous ways to interpret their effect. L. 2015, ch. 88, sec. 71 requires vacancies in the governing body be filled by a majority vote of its remaining members if a city does not have a policy to fill governing body vacancies. This directly conflicts with K.S.A. 15-201, which requires that mayors in mayor-council cities of the third class fill vacancies with the consent of the council. The League has identified two different ways to interpret L. 2015, ch. 88, sec. 71:

- Treat this section as a separate, standalone vacancy-filling process, which would allow cities to choose to use it OR choose to use the city's own vacancy-filling process or the statutory process for its respective class and form of city. If the city chooses the latter, it could ignore the special election requirement for vacancies not filled within 60 days; OR
- Read L. 2015, ch. 88, sec. 71 together with existing vacancy-filling statutes. Under this interpretation, cities may fill their vacancies using their own procedure for filling vacancies (or, if none, a majority of the remaining governing body members), and if the vacancy isn't filled after 60 days, a special election must be held to fill it.

The League anticipates that L. 2015, ch. 88, sec. 71 will be codified in a non-uniform article of the statute books, and we encourage cities to consider chartering out of its requirements.

### Conclusion

Ending 154 years of spring elections will be a cumbersome process for many cities, but the legislature has created several mechanisms to deal with the move to November. We hope this article provides useful guidance for your city's transition, but if you have any questions, please do not hesitate to contact the League or your city attorney.

## Footnotes

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<sup>i</sup> L. 2015, ch. 88, sec. 57.

<sup>ii</sup> For example, to lengthen terms from two to four years, with three council members elected in one year and two council members and the mayor elected two years later.

<sup>iii</sup> L. 2015, ch. 88, sec. 7(c).

<sup>iv</sup> *Also see Bigs v. City of Wichita*, 271 Kan. 455 (2001) (discussing the Legislature's ability to make a nonuniform state law uniform by amending the nonuniform provision, and that any charter ordinances opting out of those statute are repealed).

<sup>v</sup> It is highly questionable whether this section authorizes cities to have exclusively even-year elections. Although L. 2015, ch. 88, sec. 7(h) authorizes even-year elections for the purpose of staggering elections, an argument could be made that an odd-year election must be part of that staggered cycle.

<sup>vi</sup> *See generally Murray v. Payne*, 137 Kan. 685 (1933) (discussing the Legislature's power to require incumbent city officials holding four-year terms of office to continue in office until the next city election).

<sup>vii</sup> *See generally Molinari v. Bloomberg*, 564 F.3d 587 (2d Cir. 2009) (discussing the authority of municipalities to extend the terms of sitting elected officials).

<sup>viii</sup> *But see Wilson v. Clark*, 63 Kan. 505 (1901), indicating that cities may have Home Rule authority to declare offices with interim terms as vacant.

<sup>ix</sup> *See* K.S.A. 14-201, K.S.A. 14-1501 and K.S.A. 15-1601.

<sup>x</sup> L. 2015, ch. 88, sec. 56.

<sup>xi</sup> L. 2015, ch. 88, sec. 7(f); L. 2015, ch. 88, sec. 29(i).

<sup>xii</sup> L. 2015, ch. 88, sec. 53(a).

<sup>xiii</sup> L. 2015, ch. 88, sec. 53(b).

<sup>xiv</sup> <http://www.lkm.org/resources/ordinances/elections>

<sup>xv</sup> <http://www.lkm.org/resources/ordinances/elections>

## An Analysis of the New Governing Body Vacancy Filling Process

*By Nicole Proulx Aiken*

Since the legislative session ended, League staff has fielded numerous questions concerning moving elections to the fall, the effects of the property tax lid, and implementing new sign regulations. An issue not garnishing as much attention, but still important, is the new governing body vacancy filling process found in L. 2015, ch. 88, sec. 71<sup>1</sup>. This article discusses the different approaches cities can take to address this new law.

L. 2015, ch. 88, sec. 71 establishes new rules for filling governing body vacancies. Under the law, cities that have a governing body vacancy filling process may continue to follow their procedure. If the city fails to fill the vacancy within 60 days, however, the city must conduct a special election. For cities that do not have a local process for filling governing body vacancies, the law requires that the remaining members of the governing body – including the mayor – appoint the new member by a majority vote. If the remaining members of the governing body fail to make an appointment within 60 days of the vacancy, the city must conduct a special election.

While the new law seems straight forward, it conflicts with several statutes that provide procedures for filling governing body vacancies depending on the class of the city and/or the city's form of government. [See K.S.A. 12-10a04 (modified mayor-council form of government); K.S.A. 13-513 (city of the first class, mayor-council form of government); K.S.A. 14-204 (city of the second class, mayor-council form of government); K.S.A. 14-308 (city of the second class, mayor-council form of government); K.S.A. 14-1305 (city of the second class, commission form of government); K.S.A. 15-201 (city of the third class, mayor-council form of government); K.S.A. 15-311 (city of the third class, mayor-council form of government); and K.S.A. 15-1405 (city of the third class, mayor-commission form of government)] L. 2015, ch. 88, sec. 71 did not repeal these statutes, which means cities can interpret the new law in many ways:

1. Cities can follow the new law or follow the statute that applies to their class and/or form of government. If a city has chartered out of the statute that applies to their class and/or form of government, (example: a city of the third class with a council form of government that chartered out of K.S.A. 15-201) the city can choose to follow the new law or its charter ordinance;
2. Cities can read the new law together with the existing vacancy filling statutes. Under this interpretation, cities may fill their vacancies using the procedure outlined in the statute (or respective charter ordinance) that applies to their class and/or form of government. The city would then hold a special election if it could not fill the vacancy within 60 days. Please note, however, this may lead to absurd results especially in cities of the second and third class with commission forms of governments. These cities are already required to fill a governing body vacancy within 10 days; or

3. Cities can take the position that the new law conflicts so much with other vacancy filling statutes that it takes precedence. In that case, the city would follow the new law.

The city manager form of government adds another layer of complexity. The legislature recodified the city manager form of government statutes in the same legislation as the new governing body vacancy filling process. While the legislature retained the city manager form of government, it repealed K.S.A. 12-1036d, which provided the governing body vacancy filling process for that form of government. Because the legislature repealed this statute, cities with the city manager form of government that were following K.S.A. 12-1036d must abide by the new law.

What should cities do?

The purpose behind L. 2015, ch. 88, sec. 71 is to ensure cities fill governing body vacancies in a timely manner so citizens are properly represented in their communities. The League agrees that this is an important policy concern and advises cities to fill governing body vacancies as soon as possible. Nevertheless, because the application of L. 2015, ch. 88, sec. 71 causes significant confusion, the League recommends every city charter out of the new law. In July, the Office of Revisor of Statutes provided a composite listing of the new, repealed, and amended statutes from the 2015 legislative session. According to the list, the new governing body vacancy filling process will be in K.S.A. Supp. 12-104a. The League has always believed that cities – following the constitutional home rule authority approved by Kansas voters in 1960 – may charter out of most statutes in Chapter 12, because the enactment is nonuniform. Thus, it is the League’s opinion that cities can and should charter out of this new law. Unless a city desires to put its vacancy-filling process in a charter ordinance, the League recommends cities simply exempt themselves from the law. In summary, while the League believes it is important for every city to fill a governing body vacancy as soon as possible, because of the ongoing confusion of L. 2015, ch. 88, sec. 71, the League recommends every city charter out of the new law.

## Footnotes

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<sup>i</sup> The legislature also changed the governing body vacancy filling processes established in K.S.A. 12-344 and K.S.A. 2014 Supp. 12-363, which respectively apply only to the Unified Government of Wyandotte County and the Unified Government of Greeley County. (See L. 2015, ch. 88, sec. 72-73)

## Adjusting to Changes to the City Manager Plan Act

By Mike Koss

This year, the state legislature passed H.B. 2104, which moved city elections from the spring to the fall. One aspect of the legislation that has received less attention than the timing change is the repeal and recodification of the City Manager Plan Act statutes. (K.S.A. 12-1001 *et seq.*) This article analyzes the history of those statutes, the effect of their recodification, and provides guidance to cities that have adopted the Act.

### History: The Old City Manager Plan Act

Prior to this session, Kansas laws contained three basic variations of the city manager plan: the commission-manager (K.S.A. 12-1001 *et seq.*), council-manager (K.S.A. 12-1029 *et seq.*), and mayor-council-manager (K.S.A. 12-1021 *et seq.*). These statutes, also known as the City Manager Plan Act (CMPA), were examples of local option statutes. For these types of statutes, if a majority of the qualified electors of a city vote to adopt the statutory provisions, the city government becomes subject to their rules.<sup>1</sup> The rules for the structure of the government in each city adopting the CMPA varied based on the city's population.<sup>2</sup> Today, there are 55 Kansas cities that have adopted these statutes (hereafter, "adopting cities"). Once adopted, the only way to opt out of the CMPA was by holding an election on the question of abandonment.

The CMPA statutes were enacted about forty years before Kansas cities were granted Constitutional Home Rule, when municipalities were only authorized to use forms of government in state statutes. After Constitutional Home Rule was adopted by Kansas voters, because the CMPA was part of nonuniform enactment, many adopting cities began altering the statutory provisions controlling their form of government. For example, in Overland Park, citizens had adopted the CMPA prior to Constitutional Home Rule, and the Act required that the governing body for cities of its size consist of a mayor, two councilmembers elected by the city as a whole, and four councilmembers elected by districts.<sup>3</sup> Once Constitutional Home Rule came into effect, Overland Park passed a number of charter ordinances relating to its governing body's composition, finally settling on a mayor elected by the city as a whole and twelve council members elected by wards. Alternatively, other cities continued to use the CMPA's statutory provisions, and chose not to pass charter ordinances altering them. For example, in Salina, the only reference the city has to the composition of its governing body is in City Code Section 2-36, which states that, "[t]he electors of the city adopted the city manager plan of government on February 1, 1921." K.S.A. 12-1005d, which was part of the old CMPA, required adopting cities that attained a population of more than 18,000 but less than 65,000 in 1933<sup>4</sup> to be governed by a board of five commissioners. Because Salina met those qualifications, and never chartered out of K.S.A. 12-1005d, they have had a five member commission for over eighty years. The difference between Overland Park and Salina illustrates the distinguishing characteristic between the two major categories of adopting cities – those that exercised Home

Rule authority to opt out of the CMPA's provisions, and those that continued using a majority of its provisions.

*Why Repeal the Old City Manager Plan Act?*

The legislature's decision to repeal the CMPA this session had nothing to do with the actual substance of those statutes. The Act was repealed because it contained numerous election provisions that were incompatible with the initial goal of moving city elections to the fall. In the first draft of the bill, the CMPA was going to be replaced with statutes authorizing any city to adopt any form of government via ordinance. However, many city managers and city attorneys interpreted this as authorizing a simple majority of governing body members to abandon the city manager form of government. Previously, the CMPA could only be abandoned by citizen election, and many felt the will of the residents in adopting cities should be protected. Therefore, the League introduced an amendment for this purpose, and that amendment was part of the bill that was eventually passed by the legislature.

*The Substance and Implications of the Recodified City Manager Plan Act*

The League amendment accomplished its primary goals of retaining a version of the CMPA, maintaining the continued operation of the city manager form of government in adopting cities, and requiring that abandonment of the CMPA be accomplished by election rather than a simple ordinance.<sup>5</sup> Therefore, cities like Salina that have adopted a form of government requiring them to have five commissioners continue to operate under the new CMPA statutes, and maintain their five commissioner governing body. Cities like Overland Park that have passed charter ordinances relating to the composition of their governing body continue to operate under those charter ordinances.

However, very few of the operational provisions that existed in the old CMPA (e.g. how to fill governing body vacancies, meeting rules, etc.) were replaced in the new statutes.<sup>6</sup> The League has always believed that, where there was a conflict between the CMPA provisions and the statutes for the city's class and form (e.g. number of elected officials), the CMPA provisions prevailed; but where the CMPA was silent (e.g. special meeting rules), the statutory provisions corresponding to the city's class and form controlled.<sup>7</sup> However, in the new CMPA, L. 2015, ch. 88, sec. 11(b) requires cities to establish governmental rules by a majority vote of the governing body.<sup>8</sup> Most adopting cities should not worry about this issue, since the vast majority have already passed charter ordinances establishing their own rules. However, adopting cities that have not passed charter ordinances relating to specific form of government rules that were addressed in the old Act, no longer have statutory provisions controlling these issues. Therefore, it is the League's opinion that the rules in these cities are either established by the statutory provisions corresponding to the city's class and form, or the rules must be established by a majority vote of the governing body. Below are some of the issues addressed in the old



CMPA, that are not addressed or are changed in the new CMPA, and that should be reviewed by adopting cities.

1. **Number of offices.** As discussed, the existing structure of the governing body in adopting cities remains in place because it is part of the “form of government” adopted via election. In adopting cities, the governing body’s composition continues until changed by charter ordinance or election. However, adopting cities that have not addressed their governing body’s make-up with charter ordinances should consider affirming their council or commission’s composition with a simple ordinance.<sup>9</sup> This will provide clarity to elected officials, staff, and citizens.

2. **Governing body vacancies.** Because governing body vacancies are not part of city’s “form of government,” adopting cities do not necessarily continue to use the rules contained in the old CMPA statutes. Vacancy filling is now either controlled by the rules for their city’s class and form, a charter ordinance addressing the issue, or cities can establish their own rules by a majority vote of the governing body. However, to add complexity to the issue, L. 2015, ch. 88, sec. 71 states that, if the city does not have a governing body vacancy filling process, a majority of the entire governing body is responsible for filling those vacancies. If those vacancies remain unfilled after 60 days, the city is required to hold a special election for the vacant office. For more information on this issue, see this month’s Legal Forum on page 232.

3. **Terms of office and wards.** Several sections of H.B. 2104 require cities to establish their governing body member’s terms of office by ordinance.<sup>10</sup> Cities must pass an ordinance outlining these terms, and any necessary transitions that need to take place to comply with the Act.<sup>11</sup> L. 2015, ch. 88, sec. 9(c)(3) also authorizes cities to establish by ordinance governing body elections by ward or district, and adopting cities that use wards should outline their ward system in an ordinance. Adopting cities do not need to include these provisions if they already have ordinances or charter ordinances establishing ward or district elections.

4. **Powers of the mayor.** The CMPA statutes addressing the powers of the mayor were replaced by L. 2015, ch. 88, sec. 11(a), which states that, “[t]he governing body shall establish by ordinance the qualifications, oath and powers and duties and terms of office of the governing body.” Since there are no rules regarding mayoral powers within the new CMPA, adopting cities should either pass an ordinance affirming that the statutes for their class and form of city control the issue, or pass an ordinance by a majority vote of the entire governing body that includes provisions for mayoral powers.

5. **Meetings.** Since cities are already required to establish by ordinance when their regular meetings are held, the repeal of the old CMPA statutes should not affect regular meeting rules. However, H.B. 2104 also repealed the special meeting requirements in the CMPA, and a number of adopting cities relied on those rules. Therefore, those cities should either pass an ordinance affirming that the statutes for their class and form of city control

special meeting rules, or consider passing an ordinance by a majority vote of the entire governing body that includes rules for calling special meetings.

6. **City Manager position.** Despite the recodified CMPA's silence on many of the aforementioned issues, it does address the selection, powers, and responsibilities of the city manager.<sup>12</sup> In addition, L. 2015, ch. 88, sec. 9(c)(4) authorizes the governing body to supplement and clarify these statutory provisions.

#### Resources and Potential Actions to Take

The analysis and guidance in this article only applies to cities that have adopted the CMPA. These cities should also consider that, like the old CMPA, the new CMPA statutes will be placed in a nonuniform enactment, so their provisions can be chartered out and/or amended. The League has developed two model ordinances to help adopting cities adjust to the changes to the CMPA – one for cities that have chartered out of many of old Act's provisions (e.g. Overland Park), and one for cities that have not (e.g. Salina). Both of those ordinances, and a flow chart explaining which cities should adopt which ordinance, can be found at <http://www.lkm.org/resources/ordinances/elections>. The League is also considering introducing legislation next session to recodify some of the core parts of the old CMPA that were not included in the new CMPA statutes, and to clarify the continued operation of certain provisions. As always, if you have any questions about this issue, please contact your city attorney or the League.

## Footnotes

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<sup>1</sup> Cities could call for an election to adopt the CMPA either by having the governing body pass a resolution or by citizen petition.

<sup>2</sup> Some of these form of government rules included the city manager's authority and responsibilities; the number of elected officials, their terms, their salaries, and whether the elections were by district; how governing body vacancies were filled; the powers of the mayor; meeting rules; the powers of the governing body and its members; and the responsibilities of administrative departments.

<sup>3</sup> K.S.A. 12-1036b (repealed 2015).

<sup>4</sup> Salina's population in 1930 was 20,155.

<sup>5</sup> The League's amendment included language stating that cities continue to operate under their current form of government if established at an election, and that all existing ordinances and charter ordinances relating to a city's form of government remain in effect until amended or repealed. According to Black's Law Dictionary (9th ed. 2009), "form" is defined as "[t]he outer shape or structure of something," so the phrase, "form of government," ostensibly implicates the composition of the governing body. For all cities that have adopted the CMPA, L. 2015, ch. 88, sec. 12 requires that abandonment of the form of government be accomplished via an election.

<sup>6</sup> Instead, L. 2015, ch. 88, sec. 9(c) and sec. 11(a) state that governing bodies shall establish by ordinance the qualifications, oath, powers, duties, and terms of office of the governing body; the election by ward or district of members of the governing body; the administrative departments of the city; and other matters deemed appropriate by the governing body.

<sup>7</sup> *But see Piper v. City of Wichita*, 174 Kan. 590, 601, (1953) ("The city manager statute provides a comprehensive and all-inclusive form of government for cities that adopt it. It fully covers the field. In the absence of direct legislative mandate this court will not deprive the city manager of any power or relieve him from any responsibility the statute places on him.")

<sup>8</sup> The term "governing body" includes the mayor.

<sup>9</sup> Since the CMPA statutes outlining the governing body composition for adopting cities have been repealed, the only statutory reference that exists are the statutes that correspond to the city's form and class. To avoid confusion, cities should pass an ordinance affirming that the existing governing body make-up, not other statutory provisions, determine the current structure of the governing body.

<sup>10</sup> L. 2015, ch. 88, sec. 7(c); L. 2015, ch. 88, sec. 9(c)(2).

<sup>11</sup> The League has created several sample ordinances and charter ordinances to assist cities with this requirement, which can be found at <http://www.lkm.org/resources/ordinances/elections>. Also included in these sample ordinances are optional sections to establish wards.

<sup>12</sup> L. 2015, ch. 88, sec. 11 requires that the governing body (which includes the mayor) appoint a city manager to be responsible for the administration and affairs of the city; affirms the at-will nature of the position, stating that the city manager serves at the pleasure of the governing body; and outlines several city manager responsibilities, including that all laws and ordinances be enforced by the position, that the manager appoint and remove all heads of departments and all subordinate officers and employees of the city, and that all appointments made by the manager be based on merit and fitness alone. Notably absent in the new CMPA is language from the old statutes stating that no member of the governing body shall directly interfere with the conduct of any department, except at the express direction of the governing body.

## **APPENDIX A - CHARTER ORDINANCES**

NOTE: The charter ordinances included herein are for information only. Each of them contains the substance as adopted by the governing body but enacting clauses, publication clauses and signatures have been omitted to conserve space. Complete copies of each charter ordinance as adopted are on file in the office of the city clerk and with the Kansas secretary of state. Date of passage by the governing body of each charter ordinance is shown in parentheses at the end of the text.

### **CHARTER ORDINANCE NO. 1**

A CHARTER ORDINANCE OF THE CITY OF OSAWATOMIE, KANSAS, EXEMPTING THE CITY OF OSAWATOMIE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-205, INSOFAR AS ANY PORTION THEREOF RELATES TO THE RESIDENCE REQUIREMENT FOR CITY TREASURER.

Section 1. That the City of Osawatomie, Kansas, a city of the second class, by virtue of the power vested in it by Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to and does exempt itself from and make inapplicable to it the provisions of K.S.A. 14-205, insofar as any portion thereof relates to the office of city treasurer, removing the requirement that the city treasurer be a resident of the City of Osawatomie. Nothing herein shall authorize the appointment of a city treasurer who is a non-resident of the State of Kansas. (06/79)

### **ORDINANCE NO. 2**

A CHARTER ORDINANCE EXEMPTING THE CITY OF OSAWATOMIE, KANSAS, FROM THE PROVISIONS OF SECTIONS 14-103 AND 14-201, KANSAS STATUTES ANNOTATED, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, PROVIDING FOR THE ELECTION OF EIGHT COUNCIL MEMBERS, ELECTION OF MAYOR, AND SETTING FORTH THEIR TERMS OF OFFICE.

Section 1. The City of Osawatomie, Kansas, a mayor-council-manager city, being a city of the second class, by the power vested in it and conferred upon it by Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to and does exempt itself from and makes inapplicable to it Sections 14-103 and 14-201, of Kansas Statutes Annotated, which apply only to cities of the second class and which are not applicable uniformly to all cities, and hereby elects to provide substitute and additional provisions as hereinafter recited.

Section 2. The governing body of the City of Osawatomie, Kansas, shall consist of eight council members and one mayor. Two council members shall be elected from each ward. The mayor shall be elected at large.

Section 3. A regular city election shall be held on the first Tuesday in April of 1981. At said election the person receiving the highest number of votes in that ward shall be elected to the council for a term of two years. The person receiving the second highest number of votes in that ward shall be elected to the council for a term of one year. The mayor shall be elected for a term of two years. Thereafter, in 1982 and all subsequent years, elections shall be had for the purpose of filling the vacancies of the council members, or mayor, whose term shall have expired, and said person shall be elected for a term of two years. (06-12-80)

### **CHARTER ORDINANCE NO. 3**

A CHARTER ORDINANCE EXEMPTING THE CITY OF OSAWATOMIE, KANSAS FROM THE PROVISIONS OF SECTION 41-719, KANSAS STATUTES ANNOTATED, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, PERMITTING THE CONSUMPTION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES IN CERTAIN PORTIONS OF THE CITY UNDER RESTRICTED CONDITIONS, AND REPEALING ALL ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH.

Section 1. The City of Osawatomie, Kansas, a mayor-council-manager city, being a city of the second class, by the power vested in it and conferred upon it by Article 12, Section 5, of the constitution of the State of Kansas, hereby elects to and does exempt itself and makes inapplicable to it Section 41-719, of Kansas Statutes Annotated, which said statute is not applicable uniformly to all cities, and hereby elects to provide substitute and additional provisions, as hereinafter recited.

Section 2. The consumption of alcoholic liquor and cereal malt beverages in the municipal auditorium, Shelter House located in John Brown Park, and Shelter House located at the city lake, is hereby authorized at private gatherings only, under the conditions hereinafter set forth.

Section 3. Before any such consumption of alcoholic liquor or cereal malt beverage shall be permitted, the person desiring permission to do the same shall make written application to the city manager, and such consumption shall be permitted only after the city manager has approved the same, and the applicant has paid the necessary permit fee for the lease and use of the premises.

Section 4. Consumption of alcoholic liquor and cereal malt beverages shall be limited solely to the lessee and its guests, and provided further that no charge shall be made by the lessee for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance co-mixed with any alcoholic liquor, and no sale of alcoholic liquor or cereal malt beverage, directly or indirectly, shall be made. (02-10-83)

**CITY OF OSAWATOMIE - BUDGET REPORT**

<b>DATE: Sept 2015</b>	<b>BUDGETED</b>	<b>REIMBS</b>	<b>EXPENDITURES</b>	<b>UNEN BALANCE</b>
<b>GENERAL</b>				
Administration	527,870.00		373,032.54	154,837.46
Codes Enforcement	148,864.00		97,887.36	50,976.64
Police	872,845.00	300.00	628,737.13	244,407.87
John Brown Cabin	37,993.00		24,484.55	13,508.45
Public Works	225,851.00		131,291.85	94,559.15
Swimming Pool	-		-	-
Properties & Maintenance	273,740.00		172,065.53	101,674.47
Fire	62,670.00		33,168.16	29,501.84
Municipal Court	162,744.00		99,524.79	63,219.21
Levees & Storm Water	34,240.00		8,580.16	25,659.84
Library	137,406.00	995.47	90,230.39	48,171.08
<b>TOTAL</b>	<b>2,484,223.00</b>	<b>1,295.47</b>	<b>1,659,002.46</b>	<b>826,516.01</b>
<b>WATER</b>				
Administration	282,162.00		224,795.84	57,366.16
Water Treatment	372,804.00		267,898.78	104,905.22
Water Distribution	271,615.00		211,783.94	59,831.06
<b>TOTAL</b>	<b>926,581.00</b>	<b>-</b>	<b>704,478.56</b>	<b>222,102.44</b>
<b>ELECTRIC</b>				
Administration	1,167,012.00		904,913.62	262,098.38
Electric Production	2,432,933.00		1,816,702.56	616,230.44
Elect Transmission	550,172.00		357,374.48	192,797.52
<b>TOTAL</b>	<b>4,150,117.00</b>	<b>-</b>	<b>3,078,990.66</b>	<b>1,071,126.34</b>
EMPLOYMENT BENEFIT	744,130.00	116,481.21	697,807.71	162,803.50
REFUSE	421,000.00		280,073.19	140,926.81
LIBRARY	8,000.00	30.00	6,308.25	1,721.75
RECREATION	7,268.00		3,949.22	3,318.78
RURAL FIRE	60,000.00		46,966.50	13,033.50
INDUSTRIAL	34,460.00		13,896.12	20,563.88
REVOLVING LOAN	-		73,231.68	(73,231.68)
SPECIAL PARKS & REC	56,418.00		51,826.10	4,591.90
ST IMPROVEMENT	144,980.00		40,570.03	104,409.97
BOND & INTEREST	766,705.00		558,935.00	207,770.00
PUBLIC SAFETY EQUIP.	-		13,532.00	(13,532.00)
FIRE INS PROCEEDS	-		-	-
SEWER	1,019,143.00		728,322.57	290,820.43
REC EMP BENEFITS	672.00		506.41	165.59
GOLF COURSE	368,630.00	-	315,755.38	52,874.62
SPECIAL REV (FIRE EQUIP)	-		-	-
SPECIAL REVENUE (911)	-		-	-
LLEBG GRANT	-		-	-
TOURISM	47,685.00	-	41,324.99	6,360.01
EVIDENCE LIABLITIY	-		-	-
CAPITAL - GENERAL	432,083.00		365,673.72	66,409.28
CAPITAL IMP. - STREET	1,485,463.00		55,781.01	1,429,681.99
CAPITAL IMP - SEWER	104,611.00	2,392.50	98,476.60	8,526.90
CAPITAL IMP - GRANTS	1,167,050.00		128,292.02	1,038,757.98
CAPITAL IMP - WATER	1,210,000.00		119,391.54	1,090,608.46
CAFETERIA 125 #50	44,900.00		29,838.60	15,061.40
COURT ADSAP #51	-		-	-
COURT BONDS #52	8,000.00		3,883.75	4,116.25
FOREITURES #53	-		400.00	(400.00)
OLD STONE CHURCH #54	-		-	-
PAY PAL #55	-		-	-
<b>GRAND TOTAL</b>	<b>15,692,119.00</b>	<b>120,199.18</b>	<b>9,117,214.07</b>	<b>6,695,104.11</b>

## CITY OF OSAWATOMIE - CASH FLOW REPORT

Date: September 2015	BEGINNING BALANCE	REVENUE	EXPENDITURES	CASH BALANCE	ENCUMBERANCES (ORD.)	CASH BALANCE 9/30/2015
GENERAL OPERATING	234,071.92	2,092,392.04	1,657,706.99	668,756.97		668,756.97
WATER	122,292.04	735,275.15	704,478.56	153,088.63		153,088.63
ELECTRIC	622,115.36	2,905,295.29	3,078,990.66	448,419.99		448,419.99
EMPLOYEE BENEFIT	107,698.44	659,870.03	581,326.50	186,241.97		186,241.97
REFUSE	19,986.28	296,533.36	280,073.19	36,446.45		36,446.45
LIBRARY	102,054.01	11,929.28	6,278.25	107,705.04		107,705.04
RECREATION	3,267.99	681.23	3,949.22	-		-
RURAL FIRE	3,391.81	51,037.74	46,966.50	7,463.05		7,463.05
INDUSTRIAL	49,980.48	26,278.57	13,896.12	62,362.93		62,362.93
REVOLVING LOAN	72,758.43	473.25	73,231.68	-		-
SPECIAL PARKS & REC	90,821.54	51,069.45	51,826.10	90,064.89		90,064.89
STREET IMPROVEMENTS	127,185.86	88,303.18	40,570.03	174,919.01		174,919.01
BOND & INTEREST	119,631.91	661,832.52	558,935.00	222,529.43		222,529.43
PUBLIC SAFETY EQUIP.	3,704.23	13,500.85	13,532.00	3,673.08		3,673.08
FIRE INS PROCEEDS	0.84	-	-	0.84		0.84
SEWER	357,409.31	637,216.56	728,322.57	266,303.30		266,303.30
RECREATION BENEFIT	421.66	84.75	506.41	0.00		0.00
GOLF COURSE	6,362.09	339,628.69	315,755.38	30,235.40		30,235.40
SPECIAL REVENUE (911)	9,897.41	-	-	9,897.41		9,897.41
LLEBG GRANT	-	-	-	-		-
TOURISM	25,564.38	52,501.25	41,324.99	36,740.64		36,740.64
EVIDENCE LIABILITY	12,899.79	-	-	12,899.79		12,899.79
CAPITAL - GENERAL	227,418.52	175,853.00	365,673.72	37,597.80		37,597.80
CAPITAL IMP. - STREETS	65,978.61	909,123.05	55,781.01	919,320.65		919,320.65
CAPITAL IMP - SEWER	(139,871.62)	235,587.72	96,084.10	(368.00)		(368.00)
CAPITAL IMP - GRANTS	252,049.88	6,033.28	128,292.02	129,791.14		129,791.14
CAPITAL IMP - WATER	-	1,210,000.00	119,391.54	1,090,608.46		1,090,608.46
CAFETERIA 125 # 50	26,578.57	31,062.71	29,838.60	27,802.68		27,802.68
COURT ADSAP # 51	7,401.00	-	-	7,401.00		7,401.00
COURT BONDS # 52	7,249.54	9,500.75	3,883.75	12,866.54		12,866.54
FORFEITURES # 53	1,153.42	2,450.00	400.00	3,203.42		3,203.42
OLD STONE CHURCH # 54	-	-	-	-		-
PAYPAL # 55	95.65	(95.64)	-	0.01		0.01
<b>TOTALS</b>	<b>2,539,569.35</b>	<b>11,203,418.06</b>	<b>8,997,014.89</b>	<b>4,745,972.52</b>	<b>-</b>	<b>4,745,972.52</b>



**MEMORANDUM**

**To:** Mayor and City Council  
**From:** Don Cawby, City Manager  
**Re:** **Projects & Issues Update**  
**Date:** November 12, 2015

**Projects**

**Main Street - Water.** Water line work continues to proceed. All of the east half has been connected and only cleanup is left. Line work continues on the west end with about half of the water main pulled.

**Main Street – Phase 1.** We met with BG this week to discuss various projects and set a schedule to bid out the project the first week of December and to open bids on January 15. We will approve the bidder at the January 28 meeting.

**Main Street – Phase 2.** The CDBG application for Phase 2 was complete by GAS and submitted on November 2. We will hear in mid-January on whether or not the grant was awarded.

**Generation Project.** Dave Peterson of JEO did a site visit with staff two weeks ago to begin the process of preliminary design and placement. We believe we have narrowed down sites and may have found some project cost savings. Staff have run shore power to the six units and Dave Schafer will be here on Thursday to verify what needs to be done to get the engines heated and ready for winter storage. I will also be reviewing warranty and service agreement options with Dave on Thursday as well.

**Sports Complex – CDBG Special Round.** This week we met with Gary French and with Brian Kingsley of BG Consultants to discuss the schedule and timing for the CDBG funded improvements at the Sports Complex. We are awaiting some bid specs from the school district for bleachers and BG is putting together some estimates for changing the layout of the basketball and tennis courts to accommodate the USD's current renovation plans. We hope to starting the bidding for this project early in 2016.

**Shelter House.** Rotary has put the roof on the Lake Shelter House. I believe there are still a few things left to do to meet code. We are also waiting on the mason to complete the tuck pointing and sealing up from the work on both fire place areas.



**West Lake Road.** Blake Madden sent a formal letter to the County requesting the work for the mile long lake road. The first part of the project is expected to be widening and improving the road base, along with drainage. The second part of the project will be to chip seal the road in late summer when the county is doing other projects.

**Issues**

**Recodification.** We still need to move this project forward. My hopes are to still finish this by the end of the year.

**Budget Amendments.** We will have a handful of budget amendments to consider at the next meeting. After that meeting we will publish a hearing notice to consider the amendments at the December 17 meeting. Currently, I expect none of these to be surprises, but instead just the carrying out of the approved 2015 revised budget from our process in August. We wait until the end of the year to make these adjustments so we only have to do it once. Also, on some occasions, amendments we thought might be necessary don't materialize and no formal changes need to be made.

**Upcoming Meetings/Dates**

- |           |   |
|-----------|---|
| Nov 18    | Miami County Legislative Dinner – Trojan Elementary                       |
| Nov 19    | City Council Meeting  |
| Nov 26-27 | City Offices Closed – Thanksgiving  |
| Dec 1     | City Council Special Meeting – Bond Sale Approval                         |
| Dec 2-4   | KACM – McPherson  |
| Dec 10    | City Council Meeting  |
| Dec 17    | City Council Meeting  |
| Dec 24-25 | City Offices Closed – Christmas (+ Floating Holiday on 24 <sup>th</sup> ) |