

OSAWATOMIE CITY COUNCIL  
AGENDA

November 18, 2021

6:30 p.m. | City Auditorium | 439 Main Street

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 18th Agenda
  - B. Meeting Minutes
    - October 28<sup>th</sup>, 2021
  - C. Pay Application(s)
    - BG Consultants – WWTP Improvements and Collection System PER-\$12,456.00
  - D. Special Event Permit
    - Christmas Event (Chamber of Commerce)
  - E. Appoint Bret Glendening to MRWAD #2 Board
6. Comments from the Public
  - Citizen participation will be limited to 5 minutes. Stand & be recognized by the Mayor.*
7. Public Hearing
8. Presentations, Proclamations, and Appointments
  - A. Osawatombie Police Department – Promotions/Awards
    - i) Special Presentation: Badge Pinning and Swearing-In
      - (1) Detective Curtis Isele
      - (2) Officer Chris Perkins
      - (3) Officer Jim Herman
      - (4) K9 Ricky
    - ii) Sergeant Promotions
  - B. Osawatombie 4.0 Residential (Affordable Housing / Affordable Living)
9. Unfinished Business
  - A. Resolution 931 – Identifying Streets in the CIP Priority Plan
  - B. Resolution 937 – Complete Purchase of Real Property — “Hays Hill”
  - C. Ordinance 3801 – Amendments to Main Trafficway Designations
  - D. Ordinance 3802 – Creating Chapter XVII - Healthy Rental Homes
  - E. Ordinance 3803 – Passage of 0.50% Sales Tax at 11/2/2021 General Election
10. New Business
  - A. Resolution 936 – GAAP Waiver 2022
  - B. Resolution 938 – Sale of City Property
  - C. Charter Ordinance 20 – Exempting the City of Osawatombie, Kansas, from the provisions of K.S.A. 14-570 and K.S.A. 14-571
11. Council Report
12. Mayor’s Report
13. City Manager & Staff Report
14. Executive Session (20 minutes to consider real property purchase)
15. Adjourn

*NEXT REGULAR MEETING – December 9, 2021*

Osawatomie, Kansas. **October 28, 2021.** The Council Meeting was held at the Memorial Hall located at 411 11<sup>th</sup> Street. Mayor L. Mark Govea called the meeting to order at 6:34 p.m. Council members present were Dickinson, LaDuex, Hampson, Diehm, Wright and Caldwell. Council Members Walmann and Macek were absent. City Staff present at the meeting were City Manager Mike Scanlon, Deputy City Manager Bret Glendening, City Clerk Tammy Seamands, Chief Building Official Ed Beaudry, Assistant to the City Manager Samantha Moon, Utilities Director Terry Upshaw, Nuisance Officer David Ellis and Public Works Director William Roseberry. Members of the public were: Kari Bradley, Dale Koontz, Donna Koontz, Regina McClellen, Ginny Mowat, Derek Henness, Wayne Ova, Mike Williams, Deana Brim, Nick Scheffer and Dale Bratton

**INVOCATION.** Reverend Wayne Ova, Faith Baptist

**CONSENT AGENDA.** Approval of October 28<sup>th</sup> Agenda, October 14<sup>th</sup> Council Minutes, Notice for November 18, 2021 Council Meeting, KMEA Board Member Appointment of Bret Glendening, 2021-08 Register Report, 2021-09 Register Report. **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda with the change of rescheduling the November 11<sup>th</sup> council meeting to November 18<sup>th</sup> due to the 11<sup>th</sup> being a holiday instead of being a special meeting. Yeas: All.

**COMMENTS FROM THE PUBLIC.**

Ginny Mowat – is in support of another animal rescue coming to our area.

**PUBLIC HEARINGS.** – None.

**PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.**

OSAWATOMIE STATE HOSPITAL DAY 155<sup>TH</sup> CELEBRATION – PROCLAMATION – Karen LaDuex read the proclamation. **Motion** made by LaDuex, seconded by Dickinson to accept the Osawatomie State Hospital Day Proclamation as presented. Yeas: All.

OSAWATOMIE 4.0 - City Manager Scanlon reviewed some of the history and changes in Osawatomie over 50-year increments and how those changes effected the pull factor. We need to figure out how to leverage our history in Osawatomie and to remake our downtown to create a community wide destination that holds people. Such as trails, museums, entertainment and restaurants. We need to promote people to come to our community and new development that doesn't stretch our resources and makes it easier to maintain. We also need to solve a set of simultaneous problems by not creating another set. For example: replacing infrastructure without setting aside money to maintain it.

**UNFINISHED BUSINESS.** – None.

**NEW BUSINESS.**

RESOLUTION 931 – IDENTIFYING STREETS IN CIP PRIORITY PLAN – This resolution was moved to November 18, 2021.

RESOLUTION 932 — CAPITAL FINANCING – PREPARING MAJOR TRAFFICWAY ORDINANCE (TEMP/PERM) – **Motion** made by LaDuex, seconded by Caldwell to approve Resolution 932 – Directing the City Manager to prepare an ordinance that identifies streets (major trafficways) that can be funded by general obligation (GO) debt as presented. Yeas: All.

RESOLUTION 933 – APPROVING INTERLOCAL WITH MIAMI COUNTY– Deputy City Manager Bret Glendening presented an interlocal agreement between the City of Osawatomie and Miami County to facilitate the county to allocate up to \$200,000 for the middle school water line replacement or 2/3rds of the project costs, not to exceed \$200,000. The County Administrator and County Counselor have agreed to the interlocal agreement. **Motion** made by Dickinson, seconded by LaDuex to approve Resolution 933 – Authorizing the Mayor to sign an interlocal agreement with Miami County to facilitate Miami County and the City of Osawatomie to work collectively to replace the water distribution line that provides service to the Osawatomie Middle School as presented. Yeas: All.

RESOLUTION 934 – APPROVING MEMORANDUM OF UNDERSTANDING (MOU) WITH EVERGY–Glendening negotiated a memorandum of understanding that lays out a framework with Evergy for the development of a solar array facility north of the State Hospital. **Motion** made by LaDuex, seconded by Diehm to approve Resolution 934 – Authorizing the mayor to sign a memorandum of understanding with Evergy for preliminary engineering services and procurement estimates for the evaluation of the construction of a solar project near the Osawatomie State Hospital as presented. Yeas: All.

RESOLUTION 935 –APPROVING TRANSFER OF SPECIAL 911 FUNDS – The money in the 911 fund came from fees from cell phone providers. This money has been sitting in this fund for at least 10 years. After discussion with our auditors Jarred, Gilmore & Phillips, PA they approved the transfer of the funds in that fund to help pay for radios would be an acceptable use of those funds. **Motion** made by Caldwell, seconded by Hampson to approve Resolution 935 – Transferring funds from special 911 revenue to public safety equipment for the fiscal year ending December 31, 2021 as presented. Yeas: All.

RESOLUTION 936 –OSAWATOMIE 4.0 – This outlines both historical context and where we are today the next steps needed in redeveloping and reinvigorating our downtown corridor. **Motion** made by LaDuex, seconded by Dickinson to approve Resolution 936 – Directing the city manager to implement the four organizational and community realignments steps outlined in the document “Osawatomie 4.0”- Downtown as presented. Yes: All. Wright abstained due to conflict of interest.

## **COUNCIL REPORTS.**

Kenny Diehm ~ asked where are we at on the memorial hall repairs.

Karen LaDuex ~ John Brown Foundation held their 8<sup>th</sup> Annual Border Wars BBQ event. They received more donations this year from the community and vendors than there has been in the past. Approximately \$6,400 is given out in prize money and all of that is funded by the

donations and the John Brown Foundation. The city helps out immensely with the logistics of the event. City staff puts up the tent, makes sure the electricity is working, orders the trash cans and other things along that line. There were 30 teams this year and the committee feels that the event went very well. The Foundation is planning to put up a ghost building on the site west of town to show where the cabin originally stood. This will have information regarding the Adair's and will complement the cabin in the park.

**MAYOR'S REPORT** – Thanks to Mr. Beaudry and Mr. Ellis for all their hard work in getting us to the finish line on the landlord licensing. Again, welcome Bret Glendening-he's already made an impression on many local elected officials who can't believe we were able to lure him back to the City. Thank you to everybody who helped on the BBQ contest – it was a roaring success and it truly is a Signature Event. I want to commend Chase our Eagle Scout on his project at the Cemetery. He did a great job. Many thanks again to Janet McRae who has been working with Mike daily. Next Tuesday is election day if you haven't voted. Please take the time to vote it's important that we get the Sales tax passed so we can add money to our street program. Tonight, we are going to have an executive session regarding a real estate matter – it should only last 10 minutes.

**CITY MANAGER & STAFF REPORTS.** – Scanlon reminded everyone what the 5 community goals are – 1) Clean up the community, 2) Maintain and repair the streets, 3) Economic Development, 4) Housing of all types and 5) Infrastructure both hard and soft.

Glendening met with Rural Water District #2 and Marais Des Cygnes public utility authority to brainstorm on how to get Osawatomie's Water Treatment Plant at the East tower interconnected with both of those water utilities so that we would have optional water sources. It was a successful meeting but we were not able to make any decisions. Glendening will be attending both of their board meetings to continue those conversation. He has sent information over to KMEA so that they will do a rate study for us for free. The last time a rate study was done was in 2008.

Public Works Director Bill Roseberry thanked Glendening for his help on the Levee certification that they have been working on and gave an update on where they are at in the process. Roseberry passed out a spreadsheet showing street assessments. This is color coated to show streets that are recommended for total replacement, mill & overlay or sealcoat and the projected dates. Roseberry also passed out a street plan map for 2021 – 2023 and a snow removal map.

Utilities Director Terry Upshaw said the water distribution guys are getting closer to being caught up. Main Street Terrace is done and the grass seed is down. At one time there was seven water leaks and now they are down to one possibly two. Upshaw passed out a map showing the electric distribution lines that have been converted over to the new voltage and the lines that they are still working on this year. Those will be delayed until next year. They have started working on tree trimming and installing the new Christmas lights.

Chief Building Official Ed Beaudry passed out a draft of an ordinance for Healthy Rental Homes. Council was asked to take it home and review the information that will be brought back on November 18, 2021 meeting.

**EXECUTIVE SESSION.** - **Motion** made by Hampson, seconded by Dickinson to recess into executive session for 10 minutes for the discussion of the acquisition of real property. We will reconvene the open meeting at 8:35 p.m. The City Manager, Deputy City Manager and City Attorney to join the Mayor and Council. Yeas: All.

The council meeting resumed to open session at 8:35 p.m. with no action taken.

**OTHER DISCUSSION/MOTIONS.**

RESOLUTION 930 – PURCHASE OF REAL PROPERTY – **Motion** made by LaDuex, seconded by Dickinson to approve Resolution 930 – Directing the City Manager to continue with the purchase of real property known as “Hays’ Hill” and hereby identified by Miami County as Parcel Id’s (1493200000001010; 1493200000009000). Yeas: All

**Motion** made by Hampson, seconded by Lawrence to adjourn. Yeas: All. Mayor declared the meeting adjourned at 8:37 p.m.

*/s/ Tammy Seamands*  
Tammy Seamands, City Clerk

November 3, 2021

Bret Glendening, Deputy City Manager  
 City of Osawatomie, Kansas  
 439 Main Street  
 Osawatomie, KS 66064

Re: 20-1414L - Osawatomie WWTP Improvements

-----Invoice for Consulting Services-----

This invoice is for services which were performed during the month of **October** as follows:

**Engineering Services:**

<u>Task</u>	<u>Lump Sum Amount</u>	<u>Completion Progress</u>	<u>Total</u>
1. Preliminary Design Phase	\$117,000.00	100.0%	\$117,000.00
2. Final Design Phase*	\$92,000.00	87.0%	\$80,040.00
3. Bidding and Negotiating Phase	\$20,000.00	0.0%	\$0.00
4. Approvals and Permitting	\$15,000.00	80.0%	\$12,000.00
5. Construction Substantial Completion	\$5,000.00	0.0%	\$0.00

\*Updated, refer to Contract Amendment 01

**Subtotal Amount Due: \$12,000.00**  
 Total Completed to date: \$209,040.00  
 Prior Billings to Date: \$197,040.00

**Resident Project Observation**

<b>Contract Amount</b>	<b>\$ 234,000.00</b>	
Work Completed to Date	\$ -	0%
Work Previously Billed	\$ -	
<b>Subtotal</b>	<b>\$0.00</b>	

**Additional Services**

<b>Contract Amount</b>	<b>\$ 234,000.00</b>	
Work Completed to Date	\$ -	0%
Work Previously Billed	\$ -	
<b>Subtotal</b>	<b>\$0.00</b>	

**Total Amount Due: \$12,000.00**

Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.  
 Project Engineer

November 3, 2021

Bret Glendening, Deputy City Manager  
City of Osawatomie, Kansas  
439 Main Street  
Osawatomie, KS 66064

Re: 21-1233L - Wastewater Collection System PER

-----Invoice for Consulting Services-----

This invoice is for services which were performed during the month of **October** as follows:

**Engineering Services:**

<u>Task</u>	<u>Lump Sum Amount</u>	<u>Completion Progress</u>	<u>Total</u>
1. GIS, CCTV Review, and PER	\$19,000.00	13.0%	\$2,470.00
		<b>Subtotal Amount Due:</b>	<b>\$456.00</b>
		Total Completed to date:	\$2,470.00
		Prior Billings to Date:	\$2,014.00

-----  
Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.  
Project Engineer



City of Osawatomie  
439 Main Street; P.O. Box 37  
Osawatomie, KS 66064  
(913) 755-2146

# SPECIAL EVENTS PERMIT APPLICATION

Department Use Only
Date Filed: _____
Event Deposit _____
Date Paid: _____
\$50 Permit Fee _____
Date Paid: _____
\$25 State Permit _____
Date Paid: _____

1. NAME OF APPLICANT AND/OR ORGANIZATION: <i>Osawatomie Chamber of Commerce</i>	
2. CONTACT PHONE # AND EMAIL (OPTIONAL): <i>(913) 755-4114 / (913) 755-8132</i>	<i>chamber@osawatomiechamber.org</i>

3. TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:  
*"Miracle on Main Street" Annual Christmas Festival*

4. MAILING ADDRESS OF APPLICANT/ORGANIZATION: <i>PO Box 63</i>	5. ADDRESS/LOCATION OF SPECIAL EVENT: <i>439 Main Street</i>
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6. DATE(S) AND TIME(S) FOR PERMIT, INCLUDING SET UP AND TEAR DOWN:  
*12/4/2021 - please see attached document*

7. ENTRY TO EVENT: FEE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PUBLIC <input checked="" type="checkbox"/> OR PRIVATE <input type="checkbox"/>	8. STREET CLOSURE: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> IF YES, TIME OF CLOSURE REQUIRED: _____	9. # OF EXPECTED ATTENDING: _____
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10. WILL ALCOHOL OR CMB FOR PERSONAL CONSUMPTION BE ALLOWED AT THE EVENT? YES \_\_\_ NO   
 WILL CMB BE SOLD AT THE EVENT? YES \_\_\_ NO   
 WILL THERE BE AN ENTRY FEE TO THE AREA WHERE CMB IS PROVIDED BY A THRID PARTY? YES \_\_\_ NO   
 IF YES TO ANY OF THE ABOVE, APPLICANT DATE OF BIRTH IS REQUIRED \_\_\_\_\_

11. IS THERE LIABILITY INSURANCE COVERAGE FOR THE EVENT: YES  NO \_\_\_\_\_  
 IF YES, NAME OF INSURANCE COMPANY, AGENT AND AMOUNT OF COVERAGE: \_\_\_\_\_

**STATEMENT OF APPLICANT**

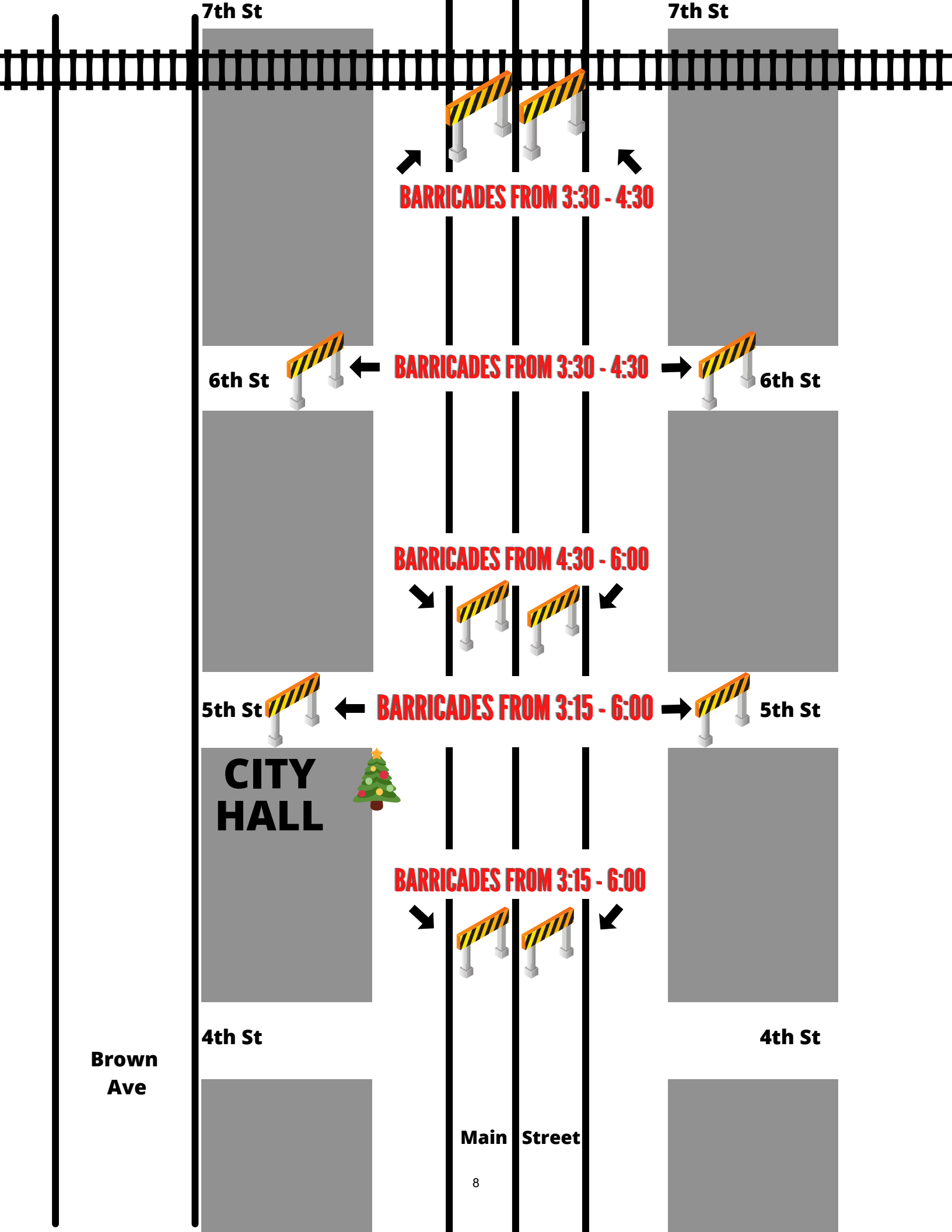
I HAVE REVIEWED THIS APPLICATION COMPLETELY AND EVERYTHING CONTAINED HEREIN IS TRUE AND CORRECT. I AGREE TO HOLD THE CITY OF OSAWATOMIE HARMLESS FROM AND AGAINST ANY LOSS, COST OR DAMAGE OF ANY NATURE ARISING OUT OF ANY ACTION OR CLAIM AGAINST THE CITY OF OSAWATOMIE OR ITS EMPLOYEES, IN CONNECTION WITH THE EVENT. I ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF ALL ORDINANCES AND ATTACHMENTS AND I FULLY UNDERSTAND THAT I WILL BE HELD RESPONSIBLE FOR ANY VIOLATIONS OF STATE LAWS, CITY OF OSAWATOMIE ORDINANCES, AND ANY RESTRICTIONS OR REQUIREMENTS ASSOCIATED WITH THIS PERMIT AT THE LOCATION AND TIME SPECIFIED ON THIS PERMIT.

SIGNATURE *Kari Bradley* \_\_\_\_\_ DATE *11/8/2021* \_\_\_\_\_

PERMIT APPLICATION: APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_  
 DECISION BY: \_\_\_\_\_ DATE OF DECISION: \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_





7th St

7th St

**BARRICADES FROM 3:30 - 4:30**

6th St

**BARRICADES FROM 3:30 - 4:30**

6th St

**BARRICADES FROM 4:30 - 6:00**

5th St

**BARRICADES FROM 3:15 - 6:00**

5th St

**CITY HALL**



**BARRICADES FROM 3:15 - 6:00**

4th St

4th St

**Brown Ave**

**Main Street**

# CITY OF OSAWATOMIE



439 Main Street  
PO Box 37  
Osawatomie, Kansas 66064

913.755.2146 (p)  
913.755.4164 (f)  
ozcity@osawatomieks.org  
www.osawatomieks.org

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*L. Mark Govea, Mayor*

November 18, 2021

Jared Morrison  
President, MRWAD #2  
Director, Water & Waste Programs  
Evergy Kansas Central, Inc. (f/k/a Westar Energy, Inc)  
8181 So. Kansas Avenue  
Topeka, KS 66612

Subject: City of Osawatomie Appointment to Marias des Cygnes Water Assurance District #2

Dear Mr. Morrison:

Please accept this letter as confirmation that the City Council for the City of Osawatomie voted to approve under their consent agenda, the appointment of Bret Glendening, Deputy City Manager to serve as Osawatomie's representative on the MRWAD #2 board.

Sincerely,

Bret Glendening  
Deputy City Manager  
City of Osawatomie



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	9.A.
	Date:	November 18, 2021
Deputy City Manager	From:	Bret Glendening

**RE:** Resolution 931 – A Resolution directing City Staff to follow the CIP Street Priority Plan presented for the coming year.

**RECOMMENDATION:** That the City Council approve Resolution 931 – A Resolution directing City Staff to follow the CIP Street Priority Plan presented for the coming two years and naming streets to be replaced in 2022 and 2023.

**DETAILS:** During the 2022 Budget the City began the process of investing in and repairing streets in the Community. This resolution identifies future street projects and the priority they have been assigned.

Related Statute / City Ordinances	Res. 932, Ord. 3801
Line-Item Code/Description	N/A
Available Budget:	N/A

**RESOLUTION NO. 931**

**A RESOLUTION OF THE CITY OF OSAWATOMIE, KANSAS DIRECTING CITY STAFF TO FOLLOW THE CIP STREET PRIORITY PLAN PRESENTED FOR THE COMING YEAR.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS AS FOLLOWS:**

**WHEREAS**, the City of Osawatomie, Kansas has identified maintaining and rebuilding streets has one of five important goals for the community; and

**WHEREAS**, City staff has identified street priorities for future years; and

**WHEREAS**, it is the intent following the November 2, 2021 election to begin the funding and development of plans for the street projects shown in the 2022 and 2023 years.

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

**SECTION ONE:** The Governing Body of the City of Osawatomie, Kansas directs the City Staff to follow the CIP Street Priority Plan presented for the 2022 and 2023 calendar years:

- 2022: Main Street Terrace from 18<sup>th</sup> Street to 16<sup>th</sup> Street;
- 2022: Walnut Avenue from 6<sup>th</sup> Street to 4<sup>th</sup> Street;
- 2022: 18<sup>th</sup> Street from Main Street to Brown Avenue;
- 2022: Brown Avenue from 18<sup>th</sup> Street to 16<sup>th</sup> Street;
- 2023: Brown Avenue from 12<sup>th</sup> Street to 7<sup>th</sup> Street;
- 2023: 6<sup>th</sup> Street from the northern city limits to the southern city limits;
- 2023: 8<sup>th</sup> Street from Main to Pacific Avenue;
- 2023: 9<sup>th</sup> Street from Main to Pacific Avenue.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Kansas, this 18<sup>th</sup> day of November, 2021, a majority voting in favor of.

**APPROVED** and signed by the Mayor.

---

L. Mark Govea, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	9.B
	Date:	November 18, 2021
City Manager	From:	Mike Scanlon

**RE:** Resolution 937 – A Resolution directing City Manager to finalize the purchase of real property known as “Hays’ Hill” and hereby identified by Miami Count as PARCEL ID’S (1493200000001010;1493200000009000).

**RECOMMENDATION:** That the City Council approve Resolution 937 – A Resolution directing City Manager to finalize the purchase of real property known as “Hays’ Hill” and hereby identified by Miami Count as PARCEL ID’S (1493200000001010;1493200000009000).

**DETAILS:** The goal of this purchase to allow for the assemblage of property to be used in a small scale residential development just south of the dam at Osawatomie Lake including the camping ground(s) found to the north.

Related Statute / City Ordinances	Resolution 930
Line-Item Code/Description	N/A
Available Budget:	(\$45,000 – CIP-General Fund); (\$85,000 unreserved General Fund)

**RESOLUTION NO. 937**

**A RESOLUTION DIRECTING THE CITY MANAGER TO FINALIZE THE PURCHASE OF REAL PROPERTY KNOWN AS “HAYS’ HILL” AND HEREBY IDENTIFIED BY MIAMI COUNTY AS PARCEL ID’S (149320000001010; 1493200000009000).**

**WHEREAS**, the City of Osawatomie has established five goals for the community including “Economic Development,” “Housing of All Types”; and

**WHEREAS**, the City views this parcel as key in promoting Economic Development both for potential housing and recreation amenities; and

**WHEREAS**, the City actively encourages development that supports pulling people into our community and building our “Pull Factor” through residential construction and or commercial establishments; and

**WHEREAS**, the City also follows a policy whereby all property purchases are limited to 85% of the current Miami County Appraised Value, unless a “value” argument is presented to the City Council in writing and recorded in the minutes of the City Council meeting.

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

**SECTION ONE:** That the City Manager continue with the purchase of the following parcel(s):

- Parcel IDs 149320000001010 ;1493200000009000 for the purchase price of \$130,000. The monies which will come from the CIP General Fund (\$45,000) and the balance from unreserved General Fund in the amount of (\$85,000).

**SECTION TWO:** That the City Manager prepare a final purchase Resolution for consideration at the November 18, 2021 City Council meeting.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Kansas, this 18<sup>th</sup> day of November, 2021, a majority voting in favor of.

**APPROVED** and signed by the Mayor.

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L. Mark Govea, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	
	Date:	November 18, 2021
Deputy City Manager	From:	Bret Glendening

**RE:** Ordinance 3801 is a result of Resolution 932 from the October 28, 2021 Council Meeting which directed city staff to draft an ordinance to modify the Code of the City of Osawatomie to expand the number of named “main trafficways” to facilitate issuing GO Debt for reconstruction of streets as identified in Resolution 931.

**RECOMMENDATION:** City staff recommends passage of Ordinance 3801.

**DETAILS:** Ordinance 3801 adds the following streets to the list of main trafficways:

- 1.) Main St. Terrace, 18<sup>th</sup> to 16<sup>th</sup>
- 2.) 18<sup>th</sup> St., Brown Ave. to Main St.
- 3.) Parker Ave, 1<sup>st</sup> to 6<sup>th</sup>

Ordinance 3801 also extends existing, named trafficways as follows:

- 1.) 9<sup>th</sup> St., South Street (formerly stopped at Pacific) to the northern levee (as opposed to Walnut Ave.)
- 2.) 11<sup>th</sup> St., from the Osawatomie Power Plant (as opposed to Parker Ave.) to Pacific Ave.
- 3.) Walnut Ave. from 1<sup>st</sup> (use to stop at 7<sup>th</sup>) to 12<sup>th</sup> Street.

Related Statute / City Ordinances	Ord. 3148; Ord. 3158; Code 1977; Ord 3301; Ord. 3313; Ord. 3434; Ord. 3487; Ord. 3518; Ord. 3596; Ord. 3653; Code 2008; Code 2010, 14-209; Ord.3719; Code 2018; Res. 931, Res. 932.
Line Item Code/Description	N/A
Available Budget:	N/A



CITY OF OSAWATOMIE

**FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE**

**Ordinance No. 3801: AN ORDINANCE DESIGNATING CERTAIN ADDITIONAL STREETS AS MAIN TRAFFICWAYS AND EXTENDING PORTIONS OF EXISTING MAIN TRAFFICWAYS WITHIN THE CITY OF OSAWATOMIE, KANSAS, UNDER THE AUTHORITY OF K.S.A. 12-685 ET SEQ.; AMENDING ARTICLE 1-801. MAIN TRAFFICWAY DESIGNATIONS FOR BOND FINANCING PURPOSES OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE OF KANSAS.**

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

(Published in the Miami County Republic, November 24, 2021) 1t

**Summary of Ordinance No. 3801**

On November 18, 2021, the City of Osawatomie, adopted Ordinance No. 3801, an ordinance designating certain additional streets as main trafficways and extending portions of existing main trafficways within the City of Osawatomie, Kansas, under the Authority of K.S.A. 12-685 ET SEQ.; amending Article 1-801. Main Trafficway Designations for bond financing purposes of the municipal code of The City of Osawatomie of Kansas. A complete copy of this ordinance is available at [www.Osawatomieks.org](http://www.Osawatomieks.org) or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Richard Wetzler, City Attorney

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 18, 2021

Richard S. Wetzler  
Richard S. Wetzler, City Attorney



ORDINANCE NO. 3801

**AN ORDINANCE DESIGNATING CERTAIN ADDITIONAL STREETS AS MAIN TRAFFICWAYS AND EXTENDING PORTIONS OF EXISTING MAIN TRAFFICWAYS WITHIN THE CITY OF OSAWATOMIE, KANSAS, UNDER THE AUTHORITY OF K.S.A. 12-685 ET SEQ.; AMENDING ARTICLE 1-801. MAIN TRAFFICWAY DESIGNATIONS FOR BOND FINANCING PURPOSES OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE OF KANSAS.**

**WHEREAS**, the Governing Body of the City of Osawatomie, Kansas, (the "City") is empowered pursuant to K.S.A. 12-685 et seq. (the "Act") to designate as main trafficways and trafficway connections certain existing or proposed streets, boulevards or avenues, or parts thereof, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the City or between such areas within the City and traffic facilities outside the City performing the function of main trafficways and to provide adequate connections with and between such main trafficways; and

**WHEREAS**, in the judgment of the Governing Body of the City, such streets, as hereinafter designated, qualify for designation as main trafficway and traffic way connections within the City; and

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

**SECTION ONE: CODE AMENDED.** Chapter 14, Article 2, Section 209, of the Code of the City of Osawatomie is hereby amended to read as follows:

- 14-209. **MAIN TRAFFICWAYS.** In order to facilitate the movement of through traffic between areas of concentrated activity within the city, the following public streets are hereby designated and established as Main Trafficways and Trafficway Connections:
- (a) Main Street, 1<sup>st</sup> Street to 18<sup>th</sup> Street;
  - (b) Main Street, Terrace from 18<sup>th</sup> to 16<sup>th</sup>.
  - (c) Brown Avenue, O'Neal Street to 12<sup>th</sup> Street;
  - (d) Brown Avenue, 14<sup>th</sup> Street to 18<sup>th</sup> Street;
  - (e) Pacific Avenue, 1<sup>st</sup> Street to 14<sup>th</sup> Street;
  - (f) Parker Avenue, 11<sup>th</sup> Street to west city limits;
  - (g) Walnut Avenue, 1<sup>st</sup> Street to 12<sup>th</sup> Street;
  - (h) 1<sup>st</sup> Street, Carr Avenue to Walnut Avenue;
  - (i) 4<sup>th</sup> Street, Carr Avenue to Kelly Avenue;
  - (j) 6<sup>th</sup> Street, north city limits to south city limits;
  - (k) 8<sup>th</sup> Street, Carr Avenue to Chestnut Avenue;

- (l) 9<sup>th</sup> Street, South Street to northern levee;
- (m) 10<sup>th</sup> Street, Main Street to Walnut Avenue;
- (n) 11<sup>th</sup> Street, Osawatomie Power Plant to Pacific Avenue;
- (o) 12<sup>th</sup> Street, Parker Avenue to Walnut;
- (p) 14<sup>th</sup> Street, Main Street to Pacific Avenue;
- (q) 18<sup>th</sup> Street, Main Street to Brown Avenue;
- (r) Intersection of 14<sup>th</sup> and Parker Avenue;
- (s) Oscar Street, E. Mill Street to E. Pacific Avenue; and
- (t) Industrial Drive;
- (u) Parker Avenue 1<sup>st</sup> to 6<sup>th</sup>.

(Ord. 3148; Ord. 3158; Code 1977; Ord 3301; Ord. 3313; Ord. 3434; Ord. 3487; Ord. 3518; Ord. 3596; Ord. 3653; Code 2008; Code 2010, 14-209; Ord.3719; Code 2018.)

**SECTION TWO: EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Miami County, Kansas, a majority being in favor thereof, this 18<sup>th</sup> day of November, 2021.

**APPROVED** and signed by the Mayor.

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L. Mark Govea, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	10.D
	Date:	November 18, 2021
Community Development Director	From:	Ed Beaudry

**RE:** Ordinance 3802 – An Ordinance creating Chapter 17 of the City’s Codified Ordinances for the purpose of regulating and ensuring the safety of residential rental property in the City of Osawatomie, Kansas and to be titled “Healthy Rental Homes.”

**RECOMMENDATION:** That the City Council approve Ordinance 3802 – An Ordinance creating Chapter 17 of the City’s Codified Ordinances for the purpose of regulating and ensuring the safety of residential rental property in the City of Osawatomie, Kansas and to be titled “Healthy Rental Homes.”

**DETAILS:** The City Council was presented this Ordinance for their review at the October 28<sup>th</sup> City Council meeting for any comments, questions or changes. As of this date we have not received an revisions to our original submission to the City Council and are seeking approval tonight to begin the program.

Related Statute / City Ordinances	N/A
Line-Item Code/Description	N/A
Available Budget:	N/A

ORDINANCE NO. 3802

AN ORDINANCE CREATING CHAPTER 17 OF THE CITY’S CODIFIED ORDINANCES FOR THE PURPOSE OF REGULATING AND ENSURING THE SAFETY OF RESIDENTIAL RENTAL PROPERTY IN THE CITY OF OSAWATOMIE, KANSAS AND TO BE TITLED “HEALTHY RENTAL HOMES.”

WHEREAS, City staff have been directed to create an Ordinance for all rental homes within the City of Osawatomie, Kansas; and

WHEREAS, it is deemed necessary to amend the Osawatomie City Code to address the licensing and regulation of residential rental dwellings within the city; and

WHEREAS, The Governing Body finds that a licensing and external inspection program is a rational means by which the city can safeguard its interests in protecting the life, safety, general welfare and health of persons occupying non-owner-occupied dwellings and in preserving the value of land and buildings throughout the city; and

WHEREAS, The Committee of Landlords agreed changes needed to be made to provide healthy rental homes in the City of Osawatomie and worked with city staff to create The Statement of Compliance for this program;

**HEALTHY RENTAL HOMES**

**Chapter XVII**

**ARTICLE 1. - GENERAL**

• **17-101. - Purpose and intent of article.**

(a) The purpose of the healthy home’s inspection program is to protect the public health, safety and welfare in residential rental property units through establishment of minimum health and safety standards. This article:

(1) Establishes minimum standards that may include:

- a. Basic utilities and facilities;
- b. Ventilation and heating;
- c. Safety from fire; and
- d. Safe and sanitary maintenance of all rental properties;

(2) Provides for the registration and permitting for certain rental properties; and

(3) Provides for administration and enforcement.

(b)It is not the intention of the city to intrude upon contractual relationships between tenant and landlords. The city does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to hear complaints by landlord or tenant that do not clearly relate to the provisions of this article or other city ordinances.

- **17-102 - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Designee of the Director of Community Development* means any person acting on behalf of the Director.

*Direct family member* means one's child, grandchild, mother, father, sibling, mother-in-law, father-in-law, grandparent, or the step equivalent of each of those.

*Director* means the Director of Community Development.

*Hazardous area* means areas of structures or buildings posing a degree of hazard greater than normal to the general occupancy of a building or structure, such as areas used for the storage or use of combustibles or flammable, toxic, noxious or corrosive materials, or heat-producing appliances.

*Health hazard violation* means a violation when in noncompliance, is more likely than other violations to contribute to injury, illness, or environmental health hazards.

*Non-health hazard violation* means a violation that poses a lesser threat to health and safety, but negatively affects health, and if left unaddressed, could become a health hazard violation.

*Offer to rent* means to extend an offer to enter into a written or oral agreement with a prospective tenant under which the prospective tenant shall occupy rental property as the tenant's residence.

*Occupancy requirement* means personally live in the property as their home, Occupancy also refers to the number of people permitted in a home at one time based on the building's floor space and function.

*Owner* means any person not a tenant who, acting alone or jointly or severally with others:

- (1) Has legal title to any building or structure with or without accompanying actual possession thereof;
- (2) Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure of part thereof; or
- (3) Is an agent or designee of a person listed in subsections (1) or (2) herein.

*Permit* means a permit issued by the director for making an offer to rent to a prospective tenant or owning, operating or managing rental property. The terms "permit" and "rental permit" are used interchangeably, also includes but not limited to Rental Registration or Statement of Compliance.

*Permit holder* means a person who is responsible for the operation of the rental property, such as the owner or the owner's agent, and who possesses a valid permit to operate a rental property.

*Person* means an association, corporation, individual, firm, partnership, other legal entity, government agency.

*Re-inspection* means an inspection conducted by the director to ensure corrective action is taken by fee permit holder subsequent to a previous inspection where noncompliance or violations of this article were found.

*Rental property* means a structure which consists of one or more rental units, where none of the tenants are owners or direct family members of owners. Duplexes in which one of the rental units is owner-occupied and rental units within an owner-occupied, single-family dwelling that is in compliance with the city's zoning codes shall not be considered rental property.

*Rental unit* means a rental property or part of a rental property used as a home, residence, or sleeping unit by a single person or household unit, or any grounds, or other facilities or area promised for the use of a tenant and includes, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces, and single and two-family dwellings.

*Resident Agent* means a person that performs duties related to managing rental properties and finding successful tenants to fill vacancies in rental properties.

*Revoke* means put an end to the validity or operation of

*Statement of Compliance* means A statement or report signed by a qualified party affirming that, at the time of assessment, the defined rental home, met the requirements stated by the Owner.

*Suspension* means temporarily prevent from continuing or being in force or effect.

*Tenant* means:

- (1) A person, not the legal owner, occupying a building or portion thereof as a rental unit; or
- (2) For purposes of this article, a purchaser under a contract for deed, rent-to-own agreement, or comparable executory agreement, where the purchaser resides in the premises and is not the legal owner of record, unless any such instrument or affidavit of equitable interest which specifically identifies the instrument is properly executed and filed of record with the recorder of deeds for the applicable county and a file stamped copy thereof, along with a copy of the referenced instrument, is provided to the director.

*Utilities* means all services necessary for a property to have lawful heat, lighting, wastewater, and potable hot and cold water, in accordance with habitability standards.

- **ARTICLE 2. - APPLICATION AND PERMITTING PROCESS**
- **17-203 - Rental permit required.**

(a) A person may not offer for rent a rental unit without a valid rental permit issued by the director for the rental property of which the rental unit is a part. All owners now or hereafter owning, operating or managing a residential rental property, shall obtain a rental permit for each rental property upon transfer of occupancy and/or utilities. Such permit shall be obtained from the Director of Community development or designee. The director shall issue the permit only after the applicant has submitted the application in its entirety with required documentation.

(b) Provisions of this article do not apply to housing units that are only rented for a single period of less than 30 consecutive days.

(c) Rental permits are non-transferable with any changes in ownership or management

- **17-204 - Conditions on rental permits.**

The director is authorized and directed to endorse on the rental permit such conditions and requirements which in their best judgment and discretion are necessary for the protection of the health and safety of the persons utilizing such property and which carry out the scope, purpose and intent of this article. Such conditions and requirements shall conform as closely as possible to the rules and regulations promulgated by the director, but shall not be so strictly construed as to operate hardship upon any applicant. **If any POOR conditions are indicated on the Statement of Compliance a permit may not be issued until the conditions are corrected, or a date of repair and completion is agreed upon by the landlord and the director.**

- **17-205 - Duties of permit holder.**

Upon receipt of a permit issued by the director, in order to retain the permit, the permit holder shall:

(a) Comply with all provisions of this article and the rules and regulations promulgated by the director, as such provisions, rules and regulations may be amended from time to time, and also each and every condition and requirement endorsed upon such permit or any renewal thereof issued, as such conditions and requirements may be amended by the director;

(b) Immediately correct any life-threatening violation which may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, gross insanitary occurrence or condition, or other circumstance that may endanger health and safety;

(c) Allow representatives of the director access to the rental property for inspections

(d) Comply with directives of the director including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the director in regard to the permit holder's rental property

(e) Accept notices issued and served by the director according to law;

(f) Be subject to the regulatory, civil, injunctive, and criminal remedies authorized in law for failure to comply with this article or a directive of the director, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives; and

(g) Within 60 days following:

a. Issuance of a permit or permit renewal by the director; and

b. The commencement of a new tenancy, either:

1. Furnish a full copy of the permit to each tenant subject to the permit; or

2. For the full remaining term of the permit period post a full copy of the permit at the rental property in a conspicuous location reasonably calculated to come to the attention of each tenant subject to the permit.

- **17-206 - Qualifications and responsibilities of applicant.**

To qualify for a permit, the applicant shall:

- (a) Be an owner of the rental property, or owner's agent who is responsible for the operation of the rental property;
- (b) Comply with the requirements of this article;
- (c) Agree to allow designees of the director access to the rental property for the purpose of inspections made pursuant to this article;
- (d) Pay the applicable permit fees at the time the application is submitted; and
- (e) Submit a statement of compliance report that fulfills the requirements of the director.

- **17-207 - Denial of application for permit; notice.**

If an application for a permit or permit renewal to operate is denied, the director shall provide the applicant with a notice that includes:

- (a) The specific reasons and Code or regulation citations, if any, for the permit denial;
- (b) The actions, if any, that the applicant must take to qualify for a permit; and
- (c) Advisement of the applicant's right of appeal and the process and time frames for appeal.

- **17-208 - Fees.**

**(a) Rental property annual permit. All permits are annual permits and shall be valid from January 1 through December 31. The initial or renewal application for a permit shall be submitted on or before December 31 for the following year.**

(b) *Inspection fee.* No fee shall be assessed for an initial inspection of a rental unit, a re-inspection fee of \$100 shall be assessed at the time of the inspection for every additional unit requiring re-inspection. The re-inspection fee shall be due no later than 30 days after the approved inspection. An invoice for all re-inspections will be sent to the address provided on the permit application.

(c) *Reinstatement fees.* For properties that have had a permit suspended following action taken by a provision of this article, a \$300.00 reinstatement fee shall be assessed.

(d) *Renewals.* Suspended permits shall not be renewed until all conditions that warranted the suspension are abated. Revoked permits cannot be renewed and require a new permit application.

(e) *Refunds.* There shall be no refund of any fee paid pursuant to this section.

**ARTICLE 3. - INSPECTION AND ENFORCEMENT**

- **17-309 - Inspections.**

(a) The director shall cause inspections to be made of all rental properties regulated under this article, in response to complaints if the director determines an inspection is warranted, to ensure that the holder of the rental permit issued under this article is complying with its provisions, the rules and regulations promulgated by the director, as they may be amended from time to time, and the conditions and



requirements set forth in the rental permit issued for the particular rental property for which the permit was issued or renewed.

(b) In addition to complaint-based inspections, the director shall determine a percentage of random annual routine inspections to be completed based on the total number of permitted rental properties.

(c) The director also may require non-complaint-based future inspections based on past performance, such as numerous or repeat violations of this article or the regulations issued thereunder.

(d) Except for an inspection made in response to a complaint by a tenant occupying the inspected rental unit, an inspection of an occupied rental unit shall be made only in exigent or emergency situations.

(e) This article does not authorize the director or their designee, after conducting an inspection, to report, refer, issue citation, or otherwise disclose to a third party any matter, circumstance or violation disclosed during the inspection which is not explicitly proscribed in this article or the regulations issued thereunder.

- **17-310- Authority to prescribe additional rules and regulations.**

(a) *Scope of authority.* The director shall formulate rules and regulations for implementing the provisions of this ordinance to include inspection process, method and guidelines. Such rules may be modified or superseded by other rules and regulations filed by the director from time to time.

(b) *Scope of regulations.* The director shall have power and authority to make provisions in such rules and regulations for health, sanitation and adequate rental housing standards as such rules and regulations may pertain to each and every person required to be a holder of a permit under this article; and such provisions, conditions or requirements shall be subject to modification, deletions, additions or other change or alteration as to any person required to be a holder of a permit as the director may find and determine at any time.

- **17-311 - Disclosure to tenants.**

Before entering into a contract to rent a residential property the owner shall furnish to each tenant:

(a) For every utility provider used to service a dwelling unit, the phone number that a prospective tenant may use to obtain a summary or statement of past utility usage. Upon request, the owner shall provide their consent and any facilitation necessary for the tenant to access the utility history.

(b) A written description of all notices of deficiencies and citations issued to the owner of the property of which the rental unit is a part during the prior 24 months and of any other deficiencies prohibited under these chapters existing at the time of the notice of which the landlord is aware.

- **17-312 - Refusal; notification of right to access; final request for access.**

(a) *Refusal.* If after the director presents credentials and provides notice, a person denies access to the director, the director shall inform the person that:

(1) Pursuant to this article, if the rental property is unoccupied, the permit holder is required to allow access to the director, as access is a condition of the acceptance and retention of a rental property permit to operate;

(2) If access is denied, an inspection order issued by the appropriate authority allowing access, may be obtained according to law; and

(3) The director is making a final request for access.

(b) *Refusal; reporting.* In the event a person still denies access, the director shall provide details of the denial of access on an inspection report form.

(c) *Inspection order to gain access.* If denied access to a rental property for an authorized purpose, the director may:

(1) apply for a court order or warrant to gain access; and/or

(2) suspend the permit, unless access was refused solely by the tenant.

- **17-313 - Health-hazard violations; opportunity to correct.**

During an inspection, if the director discovers that a permit holder has failed to comply with this article or the rules and regulations established by the director, and the violation is a health-hazard violation,

a. The Director shall:

(1) Inform the permit holder, agent, or employee in writing that a violation exists;

(2) Allow the permit holder an opportunity to correct the violation within a reasonable period of time, as determined by the director or designee; and

(3) Re-inspect the rental property, if the director or designee deems it necessary, to determine if the violation still exists.

b. And if the violation is deemed life-threatening, the Director or designee shall:

(1) Inform the permit holder, agent, or employee in writing that a violation exists;

(2) Allow the permit holder to immediately correct cited violations and eliminate the existing life-threatening violation; or

(3) Suspend the permit and/or immediately lock, secure or close the area of violation;

(4) Require the property to be vacated, if determined necessary by the director; and

(5) Re-inspect the rental property, if the director deems it necessary, to determine if the violation still exists;

(c) In lieu of permit suspension after considering the nature of the potential hazard involved and the complexity of the corrective action needed, the director may specify a longer time frame for the permit holder to correct health hazardous or life-threatening violations.

- **17-314 - Failure to abate violation; occupied properties.**

If permit holder fails to correct cited violations after three re-inspections, the director may:

(a) Issue a permit suspension;

- (b) Require the property to be vacated; and/or
- (c) Institute ordinance violation proceedings through municipal court consistent with this article.

- **17-315 - Refusal to sign acknowledgment of violations.**

The director shall inform the owner or agent who declines to sign an acknowledgement of receipt of inspectional findings that:

- (a) An acknowledgment of receipt is not an agreement with findings;
- (b) Refusal to sign an acknowledgement of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified;
- (c) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the director's historical record for the rental property; and
- (d) Make a final request that the permit holder or representative at the inspection sign an acknowledgement receipt of inspection findings.

- **17-316 - Notice of suspension; with prior warning.**

Pursuant to this article and with prior warning, the director may suspend a permit for reasons such as:

- (a) Nonpayment of re inspection fees;
- (b) Denial of access to the director or designee;
- (c) Life-threatening violations;
- (d) Violations still in existence at a third re-inspection; or
- (e) The director determines that a permit holder or representative at the inspection is in violation of the City Code of Ordinances.

- **17-317 - Notice of suspension; without prior warning.**

The director may suspend a permit by providing written notice to the permit holder or representative at the time of inspection, without prior warning, notice of hearing, or a hearing, if and when:

- (a) The director determines through inspection or other means as specified in this article, that a life-threatening violation exists;
- (b) The director determines that permit holder or representative at the inspection is ignoring or refusing to correct a health-hazard violation that can be quickly remediated;
- (c) The director determines that permit holder or representative at the inspection is in violation of the City Code of Ordinances;
- (d) The permit holder or representative interferes with the director in the performance of their duties.

- **17-318 - Term of suspension; reinstatement of permit.**

A suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the director through re-inspection or other means as appropriate. The director may initiate any one, or a combination of, compliance methods that include, but are not limited to:

- (a) Holding a regulatory conference with the permit holder; and/or
  - (b) Placing the rental property on probation to allow for a reinstatement of permit with corrective action plan;
- **17-319 - Time frame for reinstatement.**

After receiving a written request from the permit holder stating that the conditions cited in the suspension order no longer exist, the director shall conduct a reinstatement inspection of the rental property for which the permit was suspended within three business days, not including city-observed holidays.

- **17-320 - Revocation.**

- (a) After notifying the permit holder of an opportunity for a hearing, the director may revoke a permit if:
  - (1) Serious and repeated violation(s) of any requirement of the article or regulations have occurred;
  - (2) A suspension has been in effect longer than 90 days;
  - (3) There has been an assault upon or repeated interference with a representative of the director in the performance of their duty; or
  - (4) Permit holder fails to comply with a permit suspension order.
- (b) Any person whose rental property permit has been revoked by the director, after a period of six months, may make written application for a new permit and the director may request a conference to determine whether a new permit will be issued;

- **17-321- Vacation of property.**

- (a) In the event the director orders a property or areas of violation to be vacated, locked or secured, the director shall:
  - (1) Clearly post a copy of the notice at a public entrance to the rental property or area(s) of violation; and
  - (2) Send a copy of the notice by first class mail to the permit holder;
- (b) No person, other than the director, shall remove a notice posted by the director.

- **17-322 - Appeals; permit suspension or revocation,**

*Appeal request.* A permit holder whose permit has been suspended or revoked, or whose property has been ordered vacated, may appeal the director's decision within 30 calendar days following the notice to vacate or of suspension or revocation of a permit to the Appeal Board. If a request for an appeal is not filed by the permit holder within the 30-day period, the action or order is final.

- **17-323 - Severability.**

In the event any section, paragraph, sentence, clause, phrase or portions of this article are declared invalid for any reason, the remainder of this article shall remain in full force and effect.

- **17-324 - Violations generally; penalty; failure to obtain permit or renew.**

(a) Any person violating any provision of this article, the rules and regulations of the director, or the conditions and requirements contained in the permit, as any or all of such provisions, rules, regulations, conditions or requirements may be amended, shall be deemed guilty of an ordinance violation, and upon conviction thereof shall be punished. Such violations apply to actions or inactions taken by the owner, permit holder, their agents, designees or employees.

(b) Failure of any person to obtain a permit or keep the permit in force and effect by proper renewal thereof, where a permit is required, shall constitute a violation of this article.

- **17-325 - Authorities; penalties.**

(a) Notwithstanding any other enforcement actions pursuant to this article, the director may seek to enforce the provisions of this article by instituting proceedings against the permit holder or other persons who violate its provisions.

(b) Any person convicted of a violation of any provision of this chapter shall be punished for that violation by a fine of not more than \$1,000.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment. Each day on which a violation occurs is a separate violation.

- **17-326 - Notices; how served.**

A notice issued in accordance with this article shall be considered to be properly served if it is served by one of the following methods:

(a) The notice is personally served by the director, a law enforcement officer, or a person authorized to serve a civil process to the permit holder or the tenant.

(b) For notice to the owner, notice shall be deemed sufficient if sent by first class mail to the owner at the address specified in the last permit application filed under this article. If the owner lacks a required permit under this article, notice is deemed sufficient if sent by first class mail to the person listed on applicable county records for purposes of paying property taxes on the subject rental property, to an officer of a corporation, to a person in charge of owner's local business office, or to a registered agent or any other agent authorized by appointment or required by law to receive service of process; or

(c) For notice to the tenant, notice shall be deemed sufficient if sent by first class mail to the tenant, whether by name or by the term "occupant."

- **17-327 - Effective date; transition period.**

**This article shall become effective February 1, 2022.**

- **17-328 - Rental housing appeal board.**

(a) There is hereby established a rental housing appeal board with the following powers and duties:

(1) to hear appeals of orders and actions of the director taken in enforcement of this article.

(2) to conduct hearings required for duties, to cause all hearings to be suitably recorded, and to render its decision in writing.

(3) to advise the director on the processes undertaken by the healthy rental home's inspection program including, but not limited to, regulations, and code revisions.

(b) The board members shall be the City Manager, the Fire Chief, and the Director of Community Development or their designee.

(c) The board shall conduct business as promptly and efficiently as is possible without compromising any rights of the parties.

- **17-329 - Costs of emergency housing and relocation assistance.**

In the event the director orders a suspension of a permit for a property or properties in violation to be vacated, locked or secured, the owner shall provide emergency housing and relocation assistance to the tenants, to include

(a) The relocation of the tenant to appropriate accommodations for a term not exceeding three months; and

(b) The moving and storage of personal property for a term not exceeding three months;

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

**Section 1. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after February 1, 2022 after one publication in the official City newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 18th day of November, 2021.

**APPROVED AND SIGNED** by the Mayor.

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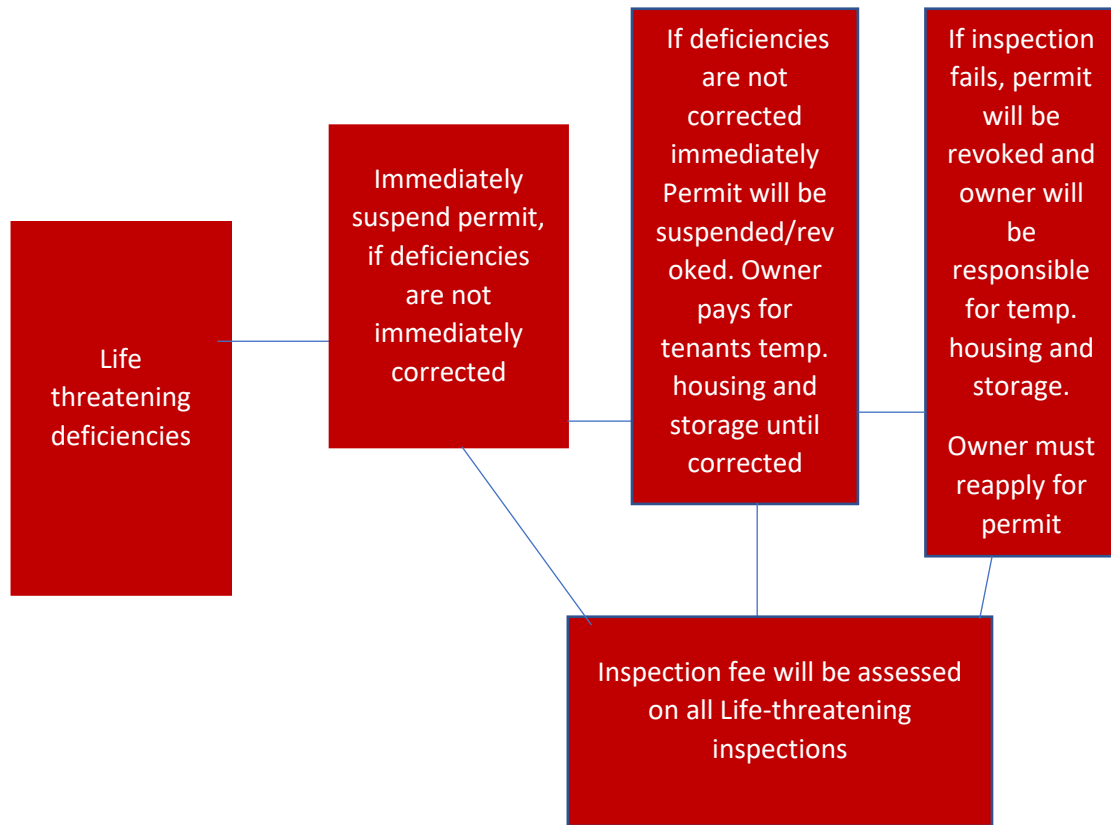
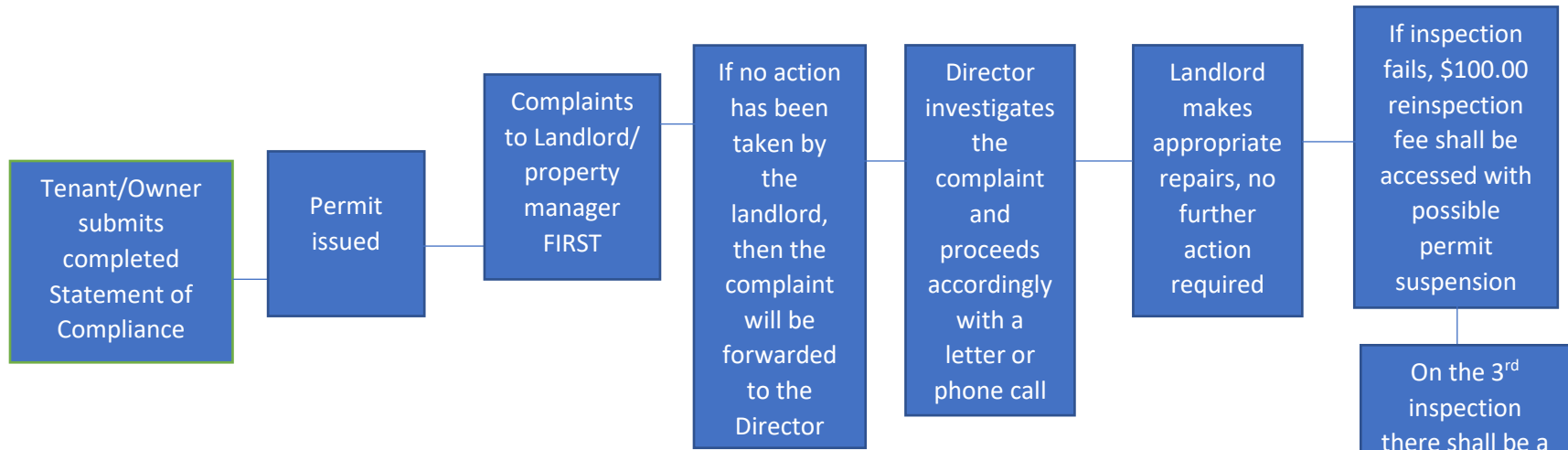
L. Mark Govea  
Mayor

(SEAL)

ATTEST:

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Tammy Seamands  
City Clerk





CITY OF OSAWATOMIE

## FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

**ORDINANCE NO. 3802:** AN ORDINANCE CREATING CHAPTER 17 OF THE CITY’S CODIFIED ORDINANCES FOR THE PURPOSE OF REGULATING AND ENSURING THE SAFETY OF RESIDENTIAL RENTAL PROPERTY IN THE CITY OF OSAWATOMIE, KANSAS AND TO BE TITLED “HEALTHY RENTAL HOMES.”

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

(Published in the Miami County Republic, November 24, 2021) 1t

### **Summary of Ordinance No. 3802**

On November 18, 2021, the City of Osawatomie, adopted Ordinance No. 3802, an ordinance creating Chapter 17 of the City’s Codified Ordinances for the purpose of regulating and ensuring the safety of residential rental property. A complete copy of this ordinance is available at [www.Osawatomioks.org](http://www.Osawatomioks.org) or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Richard Wetzler, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 18, 2021

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



# Check Your Home

Is it *SAFE*, and *SANITARY*?

## A Guide for Renters, Landlords and Homeowners



## Table of Contents

<b>Introduction .....</b>	<b>Pg. 3</b>
<b>Landlord Responsibilities .....</b>	<b>Pg. 4</b>
<b>Tenant Responsibilities .....</b>	<b>Pg. 5</b>
<b>Exterior Inspection .....</b>	<b>Pg. 6</b>
<b>Interior Inspection.....</b>	<b>Pg. 7-9</b>
<b>Smoke Detectors / Carbon Monoxide Alarms.....</b>	<b>Pg. 9</b>
<b>Overcrowding .....</b>	<b>Pg. 10</b>
<b>Important Contacts .....</b>	<b>Pg. 10</b>
<b>How to use this form.....</b>	<b>Pg.11</b>
<b>Tenant/Landlord Statement of Compliance.....</b>	<b>Pg. 12-14</b>
<b>FAQ .....</b>	<b>Pg. 15-17</b>
<b>Tenant/Landlord Acknowledgement .....</b>	<b>Pg. 18</b>
<b>Rental Registration Form .....</b>	<b>Pg. 19-20</b>
<b>Housing Codes Complaints Policy .....</b>	<b>Pg. 21-22</b>
<b>Housing Codes Complaint Form.....</b>	<b>Pg. 23</b>
<b>Rental Inspection Consent Form.....</b>	<b>Pg. 24</b>
<b>Fee Schedule .....</b>	<b>Pg. 25</b>

This Pamphlet is intended as an informal guide to the most current International Property Maintenance Codes adopted by the City of Osawatomie. We hope that all citizens will find this information useful in evaluating their housing needs and current housing situation. The City of Osawatomie cares about the availability of quality housing for renters and new home buyers. You may review a copy of the International Property Maintenance Code at City Hall, 439 Main Street.

For more information call the Office of Community Development at 913-755-2146 x 102

### **City of Osawatomie Code Enforcement**

The Director of Community Development is responsible for enforcement of the Building Code and the Property Maintenance Code to enhance the community by assisting in the following ways:

Cooperate with citizens on improving and preserving homes and properties within the City of Osawatomie. ***Informed and involved citizens are crucial to the preservation and improvement process.***

Conduct periodic inspections as requested to help prevent housing deterioration. Inspectors often discover defects and items needing repair that have gone unnoticed by property owners.

Uphold municipal standards of housing safety and sanitation to promote proper maintenance among area homeowners, landlords, and tenants. This ongoing commitment contributes to the excellent quality of life found in the community.

For Code Enforcement Information, contact the City of Osawatomie, at 913-755-2146 x 102. Our website can be found at [www.osawatomiex.org](http://www.osawatomiex.org).

*This booklet is not an adopted legal instrument. Please refer to the official Property Maintenance Code and City of Osawatomie Ordinances for precise definitions and requirements.*

## **Landlord Responsibilities**

All housing must comply with the current adopted International Building Code and International Property Maintenance Code. The following is a partial list of the landlord's responsibilities.

- All Landlords are required to complete a Statement of Compliance and have it signed by the tenant (s) before occupancy changes or utilities are transferred or turned on.**
- Common areas shared by two or more units must be kept clean.
- Eliminate rats, insects and other pests (maintain regular upkeep and pest control).
- In case of emergencies or questions relating to the property, the owner/agent must provide tenants with the property manager's name, home address (not a P.O. Box) and telephone number.
- Occupants must be notified of all exits.
- Avoid overcrowding leased property. See page 10.
- Reliable hot and cold running water supply available to all tenants.
- Reliable heating system capable of maintaining 68 deg.
- Thirty (30) day written notice to all tenants before assessing any rental fee increase.
- All security deposits must be returned within thirty (30) days of lease termination. If a portion or all of a security deposit is to be withheld, tenants must be notified in writing along with an itemized deduction no later than thirty (30) days after giving up possession.
- Inventory of the premises must be conducted with the tenant and recorded in writing.
- Written inventories must be signed and kept by both tenant and landlord and completed within five (5) days of occupancy.
- Establish rules about pets before the contracts are signed.

**A move-in inspection checklist can be found on pages 12 – 14.**

## **Tenant Responsibilities**

The following is a partial list of the tenant's responsibilities:

- Keep your home clean, including floors and walls.
- Yard should be maintained and rubbish free. **City ordinance prohibits the accumulation and /or abandonment of filth, excrement (animal waste), lumber, rocks, dirt, paper, trash, metal, household furnishings, appliances, and any other item or article kept, maintained, or permitted by any person so as to cause injury, annoyance, or inconvenience to the public or neighborhood. Household furniture unsuitable for outside conditions is not permitted in outside areas.**
- Dispose of trash in garbage receptacles.
- Keep exits and stairways free of furniture, baby strollers, bicycles, etc.
- Store flammable liquids safely away from the home.
- Allow owner access to make repairs at reasonable times.
- Comply with all agreed upon rules and those brought to your attention in writing.
- Avoid overcrowding your leased property.
- Use appliances, electrical fixtures (including smoke detectors) and plumbing fixtures as the manufacturer intended.
- Inventory of premises within five (5) days of occupancy. Keep a written copy that has been signed by both landlord and tenant.
- Failure to pay rent on time is grounds for eviction procedures to begin, regardless of the reason.

## **Renter's Insurance:**

- Landlord's insurance will not cover possessions if the apartment is burglarized or burns down
- Available at a relatively low cost to anyone renting an apartment or house
- Check several companies to determine which is cheapest and which provides the best coverage
- Check whether the insurance company will pay replacement value for possessions stolen or destroyed by a fire
- Make sure items stored in a locked storage locker (either provided by the landlord or elsewhere) are covered in the policy
- Make sure it is known what the deductible figure is
- Rates vary depending on the amount of coverage, the area in which the dwelling is located, and the type of the structure

**Contact the Kansas Insurance Commissioner's Office about companies doing business in Kansas and comparable rates:**

**1-800-432-2484 or visit the website at [www.ksinsurance.org](http://www.ksinsurance.org)**

## **WHERE TO BEGIN**

**A good place to begin your home inspection is outside.** As you walk around the perimeter of the building, take notes of what you observe. Be sure to check the following items.

### **First, Look at the Area Around Your Home or Rental Unit**

- Is the yard clean and well maintained?
- Are there abandoned refrigerators, iceboxes, or deep freezers stored in the yard or alley?
- Are weeds and grass cut so they are shorter than 12 inches?
- Are sidewalks and driveways kept free of obstructions?
- Are sheds, garages, fences and walls maintained?
- Be sure vehicles are parked on a driveway surface, are operable, and currently tagged (except those stored within enclosed structures)

### **Next, Look at Your Home's Exterior**

- Is it well-maintained? Structurally sound? Weatherproof?** It is important to periodically check your home's foundation, chimneys and weather-stressed structures.
- Address:** Easily read from the street; 4 inch in size minimum with a contrasting color
- Walls:** Watertight and intact – no large cracks or gaps (inside or outside)
- Windows:** Operable, unbroken, watertight, and screened
- Doors:** Watertight, hinges and latches operable.
- Paint:** Check for peeling or cracking paint.
- Steps:** Safe condition,
- Handrail:** Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.
- Decks:** Guard railings if deck is over 30 inches high and must be securely fastened to the structure or supports.
- Porches:** Supports and railings are structurally sound.
- Foundation:** Structurally sound and free of defects such as cracking. Drainage should be directed away from the foundation.
- Roof:** Check for sagging excessive layers of shingles, curled or missing shingles, and limbs hanging over roof.
- Chimney:** Secure, check for cracks or movement; fire places should be checked once per year.
- Gutters:** Functional and intact, water shall flow away from structure.

### **Now, Look at Your Home's Interior Walls and Ceilings**

- Clean
- No holes
- No loose or peeling paint/wallpaper
- No cracked or missing plaster
- Dwelling should appear to be structurally sound
- No visible insulation or wiring

### **Electrical Equipment**

- Two (2) outlets per habitable space, A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
- Wiring properly installed and maintained, with all fixtures and outlets working properly
- Equipment and appliances properly installed and safely maintained
- Is it clean, safe, and well-maintained?
- Is it free of rodent and insect infestation?

### **Floors, Doors and Windows**

- Floors:** Structurally sound, clean and in good condition with no excessive sloping or soft areas
- Doors:** Easily opened from inside, not blocked
- Windows:** Maintained per code at time of construction for egress purposes, one window per living space (except bathrooms), open freely, no damage or broken glass

### **Is Your Kitchen Up to Code?**

#### **Conduct a safety check of your kitchen**

- A kitchen sink in every dwelling unit
- The kitchen sink is equipped with hot and cold running water
- Faucets, drains and pipes are free of drips and leaks
- Waste water drain pipe and water supply lines are free of cross connections
- Kitchen has at least two electrical outlets. GFCI where required In a kitchen, all receptacles serving any countertop must be GFCI protected. Floor surface is clean and sanitary
- Floor is in good repair (no sagging of the floor)

### **All Bathrooms Must Have:**

- Sanitary floors and walls
- Proper size window or mechanical ventilation
- No passageway through bathroom
- At least one electrical outlet At least one wall receptacle outlet shall be installed in bathrooms and such outlet shall be located within 36 inches (914 mm) of the outside edge of each lavatory basin. The receptacle outlet shall be located on a wall that is adjacent to the lavatory basin location.
- Assured privacy

### **These Bathroom Plumbing Fixtures Must Be in Good Working Condition:**

- A bathtub or shower with reliable hot and cold running water
- A lavatory/sink with reliable hot and cold running water
- A toilet (should not run constantly and be tightly secured to the floor)
- A light
- No cross-connection of waste pipe and water supply lines
- No dripping faucets or leaks in drains or pipes
- No visible mold
- Faucets on sinks and tubs must be higher than the basin rim

### **Remember to Check the Basement, If the Basement is Occupied,**

- Must have emergency egress and windows maintained per code at time of construction for egress purposes (approved size for bedrooms)**
- Recommended exterior door or emergency egress or window in each bedroom that is at least 5.7 square feet (openable) in area with no more than 44 inches from finished floor to sill
- Are the walls waterproof? Check for mold/stains.

### **Check the Stairway for Safety**

- Is it well lit?
- Shared stairways and halls shall remain lighted at all times.
- Are the handrails/guardrails secure and in good condition?
- Are the steps sturdy and solid?



### **Water Heater:**

- Properly vented, temperature and pressure relief, room should be vented also, a drip pan under the water heater.

### **Heating System:**

- Capable of maintaining habitable rooms at 68° F minimum, ducts and vents in good condition, proper combustion air– not to be taken directly from sleeping rooms or bathrooms.
- Keep flammables away from the heating system and away from the water heater!**

### **Electrical System:**

- Properly grounded.
- Extension cords shall not to be used as permanent wiring.
- Electrical panels need to be covered and labeled, fuses and breakers must be properly sized to handle the electrical demands of the household.

### **Smoke Detectors:**

Never underestimate the importance of a properly working smoke detector in your home; check the batteries regularly! A good rule of thumb is to replace the batteries at the start and end of daylight savings time.

- A basic smoke detector shall be located in every sleeping room and in the hall/room area in the immediate vicinity of bedrooms.
- Place detectors on the ceiling or on the wall mounted between four (4) and twelve (12) inches from the ceiling. Avoid placing detectors near bathrooms and kitchens where steam or cooking heat might accidentally trigger the detector.
- A smoke detector shall be placed on every floor level (including basements) throughout the house
- Kansas Statute 31-162 requires the owner of a structure to supply and install all required smoke detectors. The owner of a structure is required to test and maintain all smoke detectors, except inside rental units, the occupant shall test and maintain all smoke detectors after taking possession of the dwelling unit.

### **Carbon Monoxide Alarms**

Carbon monoxide alarms in dwelling units are required outside of each separate sleeping area in the immediate vicinity of bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm is required within the bedroom. For more information about smoke detector and carbon monoxide requirements, please contact the Fire Department at (913-755-6941)

## **OVERCROWDING IS NOT PERMITTED**

### **Occupancy Requirements for Bedrooms.**

- A bedroom must have at least 70 square feet of space.
- If two or more persons are sleeping in the room, there must be 50 square feet available for each person.
- Ceiling height must generally be at seven feet minimum.
- Attic ceilings or top “half-stories” must be at least 7 feet high over one third of the required area.
- Each dwelling unit must have separate access to a hall, landing, stair or street. For example, a person should not have to go through one dwelling unit to reach another dwelling unit.
- No habitable room except a kitchen shall be less than seven feet in any dimension.

### **HELPFUL CONTACT INFORMATION**

- **Contact the office of Community Development at 913-755-2146 x 102 for:**  
Building Permits/Demolition Permits /Code Enforcement/ Rental /Property Maintenance Questions, Occupancy (per Dwelling Unit) Issues, Parking and Driveway Requirements, Fence Requirements, Accessory structure Requirements.
- **Contact the Utility Office at 913-755-2146 for:**  
Electric, Water, Sewer, Trash Service (trash service is provided by Waste Management, you must set up your trash service with Waste Management)
- **Call City Hall at 913-755-2146 for:** Animal Licensing
- **Call the Miami County Health Department at 913-294-2431 for:** Lead-Based Paint Information
- **Call Emergency Services (911) for:** Police, Fire, and EMS

**Check out the City’s website at  
[www.osawatomioks.org](http://www.osawatomioks.org) for more information!**

### **How To Use This Form:**

BEFORE you sign a lease, take the checklist (and a camera if you wish) with you and inspect the rental property with whomever is authorized to perform the walkthrough with you. This may be:

- The Property Manager
- The Owner/Landlord - The Real Estate Agent
- The Leasing Office

If the owner's neighbor, friend, daughter, daughter-in-law or son-in-law conducts the inspection, make a note of it. Why? Sometimes they are doing someone a favor, such as an absentee landlord, and are not aware of what to look for and may not be the same person who conducts the move-out inspection.

If the rental property changes owners during your stay, you should contact the new owners and do a walk through or simply send them a copy of your original move-in inspection – certified mail. This will help avoid conflicts when you move out. Don't be surprised if they request to do a new inspection. They should have done this prior to buying the property- but many investors buy blind.

### **INSPECT YOUR Rental Property**

This is a general list of things that you can look for in your rental home or apartment. Inspect each room.

Take your time. This is where you are going to live.

### **Make Notes on The Condition of Each Room – Look For:**

- Scratches in hardwood floors and/or burn marks/tears in carpets
- Missing tiles in bathroom
- Ripped screens in windows – missing glass
- Holes/scratches in walls (pinholes, patched over areas etc.)
- Faded paint (just note it) – rubbed off paint etc.
- Burn marks on counters/scratches (rub your hand along the counter (if its clean)
- Loose fixtures (ceiling, wall etc.)
- Make sure all outlets have covers and receptacles.
- Heat (and if provided air conditioning) Turn the units on.
- Kitchen Stove – turn it on. Inspect for cleanliness
- Refrigerator - ice box and main area – is it cold? Clean?
- Kitchen Cabinets – scratches, cleanliness, grime
- Kitchen Exhaust over stove – turn it on. Are filters clean?
- Bathtubs/showers – turn them on. Hot and cold water. Water Pressure. Cracks. Grime.
- Toilet paper holder
- Flush the toilets – do they work?

## City of Osawatomie Statement of Compliance

Property Owner \_\_\_\_\_ Tenant \_\_\_\_\_

Complex Name \_\_\_\_\_ Unit Number \_\_\_\_\_

Rental Address \_\_\_\_\_ Inspection Date \_\_\_\_\_

		Good	Fair	Poor	Comments
<b>KITCHEN</b>	Appliances, If Provided				
	Floor Covering				
	Paint/ Walls & Ceiling				
	Lighting Fixtures				
	GFCI Electrical Outlets				
	Functioning Plumbing				
<b>DINING ROOM</b>	Floor/Carpet				
	Paint/ Walls & Ceiling				
	Lighting Fixtures/Fans				
	Electrical Outlets				
<b>LIVING ROOM</b>	Floor Covering				
	Paint/ Walls & Ceiling				
	Lighting Fixtures/Fan				
	Electrical Outlets				
<b>BATHROOM</b>	Floor/Tiles				
	Paint/ Walls & Ceiling				
	Lighting Fixtures				
	GFCI Electrical Outlets				
	Bathtub/Shower				
	Toilet				
	Sink & Drain				
<b>BEDROOM 1</b>	Floor/Carpet				
	Paint/ Walls & Ceiling				
	Lighting Fixtures/Fan				
	Electrical Outlets				
<b>BEDROOM 2</b>	Floor/Carpet				
	Paint/ Walls & Ceiling				
	Lighting Fixtures				
	Electrical Outlets				
<b>BEDROOM 3</b>	Floor/Carpet				
	Paint/ Walls & Ceiling				
	Lighting Fixtures				
	Electrical Outlets				
<b>BEDROOM 4</b>	Floor/Carpet				
	Paint/ Walls & Ceiling				
	Lighting Fixtures				
	Electrical Outlets				

Updated June 11, 2021

		Good	Fair	Poor	Comments
<b>GENERAL</b>	Front Door				
	Back Door				
	Air Conditioning				
	Heating/Thermostat				
	Water Heater				
	Smoke Alarm				
	Fireplace				
	Basement				
	Garage Outlets				
	Laundry Room Vent				
	Patio, Deck, Porch Railing				
	Windows				

**TENANT RESPONSIBILITIES:**

Tenant agrees to the following conditions:

**1. TRASH AND DEBRIS:** All trash must be stored in a container behind the building line or in the garage on non trash days and be returned to that area in a timely manner after trash has been removed.

**2. VEHICLES:** All vehicles must be operable and properly owned, licensed and maintained by legal tenants of the property. Parking is not allowed on the grass. You may not block access by other vehicles to the driveways or dedicated parking areas and garages. Inoperable vehicles may be stored only in the garage or other enclosed buildings. You must park your boats, RVs, trailers and other recreational vehicles in dedicated parking areas.

**3. OUTDOOR STORAGE:** The following items may not be stored outside: appliances, furniture, items not manufactured for outdoor use, items in disrepair and accumulations of yard waste.

**4. GRASS CUTTING AND SNOW/ICE REMOVAL:** Tenant is responsible for the maintenance of the lawn. Grass should be kept below eight inches. Tenant is also responsible for snow/ice removal from sidewalks in front of the property within one day of the snow/ice event.

**5. OTHER:** Tenant agrees to any other responsibilities outlined in the lease.

**NOTES:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Landlord Signature \_\_\_\_\_

Landlord Printed Name \_\_\_\_\_

Tenant Signature \_\_\_\_\_

Tenant Printed Name \_\_\_\_\_

Tenant Signature \_\_\_\_\_

Tenant Printed Name \_\_\_\_\_

Tenant Signature \_\_\_\_\_

Tenant Printed Name \_\_\_\_\_

Tenant Signature \_\_\_\_\_

Tenant Printed Name \_\_\_\_\_

## **Frequently Asked Questions**

### **How many people can live in the Rental property?**

Occupancy requirement means personally live in the property as their home, Occupancy also refers to the number of people permitted in a home at one time based on the building's floor space and function.

### **What is a lease and why is it important?**

A lease is a contract between the landlord and the tenant. The lease sets forth the rights and responsibilities of both the landlord and the tenant. The lease allows the tenant to occupy and use, for a specific period of time, land and permanently affixed structures on that land. In return, the tenant generally pays a specified rent. The lease may set forth other duties and responsibilities of the landlord and tenant. Once the parties sign the lease both are bound by its terms. Landlords should select their leases with care. Before selecting a lease, a landlord may wish to consult with an attorney who regularly handles landlord and tenant matters.

### **When should the tenant expect to get a copy of the lease?**

It is a good idea to get a copy of the lease before signing so that you will have a chance to review it. A tenant should be given a copy of the lease and any rules or regulations referred to in the lease after both the landlord and tenant have signed. If the landlord does not voluntarily give the tenant a copy of the lease and rules and regulations, the tenant should request a copy in writing. Since the lease spells out the tenant's and landlord's responsibilities, it is important for both parties to have a copy of the lease to answer any questions. Keep your lease in a safe place.

### **What is renter's insurance?**

For those who rent, renters insurance covers damage to or loss of your personal property and/or insures the tenant for certain claims against the tenant. Whether you rent from a house owner, a property manager, or a university (as a student living in a dorm), consider purchasing renters' insurance.

### **Why do I need renter's insurance?**

Landlords insure the physical apartment building against damage from occurrences such as fire, hail, and vandalism. But their insurance policy does not cover your belongings, so don't expect the landlord to owe you payment should anything happen. Another reason to get renters insurance is to protect yourself against any accidents caused by other tenants. Renters insurance can also protect against liability lawsuits or medical bills of guests injured in your apartment. Some landlords require you to purchase renter's insurance. If so, this would be stipulated in your lease or lease riders.

### **I have a roommate. Do we each get our own policy?**

It depends on the policy. Some insurance companies offer one policy that covers multiple people. Others require each person to get a separate policy.

**I spoke to my landlord over a month ago about repairing a leak in the kitchen, but it still has not been fixed. What can a tenant do to force a landlord to make repairs?**

First, you must notify the landlord of the condition needing repair. It is best to give a written, dated notice informing the landlord of the problem and keep a copy for yourself. Written notice provides tangible evidence that the landlord was aware of the need for the repair. If the landlord does not make a satisfactory response to remedy the issue within ten (10) day notice then, contact the Building and Planning Department.

**Is pest control part of the maintenance responsibilities of the landlord?**

Yes. Local housing and/or health codes require this. If the pest problem in the apartment is severe, the landlord may be required to address the problem prior to occupancy because the property's condition violates local health and safety ordinances. However, it is the occupant's responsibility to maintain the pest/rodent control while occupying the dwelling unit.

**The pipes in my apartment froze and when they melted, they leaked. Who is responsible for the damage to the pipes and damage to my property?**

If your water pipes freeze, then burst, your landlord most likely will not be responsible for the damage to your personal property. You need to read your lease carefully. Most leases state that the tenant must take steps to keep pipes from freezing in winter, such as keeping the apartment heated or the water running. Even if your lease says that your landlord is not legally responsible for the loss of personal property, a court can hold the landlord responsible if it is shown that it is the landlord's fault that the pipes burst. The landlord must repair the water damage to the apartment.

**When I moved into the apartment, two windows did not have screens and two other screens were ripped. After I vacated the apartment, I received a letter from the management company saying they were going to deduct the cost of the screens from the security deposit. Can they deduct this cost from the security deposit?**

Generally, the tenant is not responsible for defects that existed before the tenant occupied the premises. The purpose of a move-in inspection is to determine any defects before the tenant moves in. If you signed the move-in inspection list and failed to identify the missing and torn screens, you can be charged for the replacement and repair of those screens. The move-in list is conclusive as to the condition of the apartment at the time you moved in. If you noted the condition of the screens on the list at the time of the inspection, the cost of the repair should not be deducted from your security deposit.



**Is my landlord required to provide me with a smoke detector?**

The local adopted building codes require smoke alarms to be installed and maintained in all residential dwelling units. Every room used for sleeping purposes is required to have a smoke alarm as well as the wall or ceiling outside of each separate sleeping area in the vicinity of bedrooms.

**Must I inform prospective tenants that my rental property contains lead-based paint?**

Yes, federal law requires that most property owners who rent residential property built before 1978 disclose all known lead-based paint and lead-based paint hazards in the home and make available reports on lead present in the home. The lease should reflect that such notice was given and contain a warning of the danger posed by lead paint and lead paint hazards. The landlord should keep copies of such leases for three years to prove compliance with federal law. Landlords must provide each new tenant and each renewing tenant a copy of the EPA pamphlet "Protect Your Family from Lead in Your Home." Landlords seeking more information or copies of the pamphlet can call the National Lead Information Clearinghouse at 800-424-LEAD or [www.epa.gov/docs/lead\\_pm](http://www.epa.gov/docs/lead_pm).

**My tenants have not paid rent in several months. Can I turn off their utilities?**

No. A landlord who wants to force tenants to move must follow the dispossession process.



# Tenant/Landlord Acknowledgement

Date: \_\_\_\_\_

**LANDLORD**

**OWNER OF RECORD** (*Corporation Name/Chief Operating Officer*):

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Rental Address: \_\_\_\_\_ Rental Registration Number: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**TENANT:**

Name (as shown on lease): \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Name (as shown on lease): \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Name (as shown on lease): \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Name (as shown on lease): \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Dates of Lease: \_\_\_\_\_

I acknowledge having provided the pamphlet "Check Your Home – A Guide for Renters, Landlords, and Homeowners" to the tenant(s) listed above:

Signature of Owner or Agent: \_\_\_\_\_ Date: \_\_\_\_\_

I acknowledge having received and reviewed the pamphlet "Check Your Home – A Guide for Renters, Landlords, and Homeowners" from the landlord listed above

Signature of Tenant(s): \_\_\_\_\_ Date: \_\_\_\_\_

I/we acknowledge having received and reviewed the past utility usages, and it has been disclosed to me/us of any past citations or property deficiencies for the prior 24 months.

Signature of Tenant (s): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Tenant (s): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Tenant (s): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Tenant (s): \_\_\_\_\_ Date: \_\_\_\_\_

***This form must be completed and turned in with a signed lease prior to utility service being established.***

**FOR OFFICE USE ONLY**

Received by \_\_\_\_\_ Date Received: \_\_\_\_\_ Database Updated: \_\_\_\_\_



New Registration Update Application Date: \_\_\_\_\_

**OWNER OF RECORD** (*Corporation Name/Chief Operating Officer*):

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

**RESIDENT AGENT** (*if owner does not live within a 100-mile radius from the City of Osawatomie*):

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

RENTAL PROPERTY ADDRESS	UNIT TYPE SINGLE OR MULTI-FAMILY DWELLINGS	NUMB ER OF UNITS
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

*If registering more than four (4) properties, please attach additional application form.*

The owner of each rental residential dwelling must make written application showing the owner of record and the applicable agent or operator/manager information. This requirement shall apply to all rental dwellings, including rented single-family and multi-family dwellings and rented dwelling units in owner-occupied dwellings.

- 1) A one (1) time registration shall be filed per owner of all property in which rental dwellings exist providing all property is titled under the same name; and
- 2) If the owner of the property in which rental dwellings exist is titled under different names, each property titled differently will be required to submit additional registrations; and
- 3) In cases where the owner of the rental dwelling resides more than 100 miles outside of the City of Osawatomie, Kansas, the owner shall designate a resident agent who shall reside within a 100-mile radius of the corporate limits of the City of Osawatomie, Kansas.

No application shall be considered without signature of the owner or agent.

I declare under penalty of perjury that the statements made herein are true and correct.

Signature of Owner or Agent: \_\_\_\_\_ Date: \_\_\_\_\_

-----  
FOR OFFICE USE ONLY

New Registration Number: \_\_\_\_\_

Received by: \_\_\_\_\_ Date Received: \_\_\_\_\_ Database Updated: \_\_\_\_\_

## **HOUSING CODE COMPLAINTS POLICY**

The Office of Community Development is responsible for enforcement of the International Property Maintenance Code. Enforcement is administered on a complaint basis, as set forth in this policy. All complaints will be logged and evaluated on initial contact as to whether or not they are life threatening.

### **LIFE THREATENING SITUATIONS**

City staff will respond in a timely manner where there is a report of an immediate or potentially immediate life-threatening situation. The response may be an immediate investigation or a referral of the call to the appropriate entity or department, ( ie Fire Department, Police Department, Emergency medical services, Department of Family Services). In such case the tenant should also take such actions as reasonably necessary and appropriate to avoid this risk.

### **NON-LIFE-THREATENING SITUATIONS**

Complaints that are evaluated as being non-life threatening will be responded to, based on the following guidelines and procedures:

#### **1. COMPLAINTS:**

- a. Complaints must be in writing and signed in letter form.

#### **2. EVALUATION OF THE COMPLAINT:**

- a. Does the complaint concern a violation of the Housing or Building codes? Does the situation pose a threat to life, limb, health, property and public welfare? (Example: No heat or no sanitary facilities).
- b. Is the situation primarily a landlord/tenant dispute? The department will not get involved in landlord/tenant disputes regarding maintenance and/or upkeep, unless they are determined to be life safety issues. Our department will not become involved in resolving civil disputes.
- c. City staff will not respond to situations evaluated as “non-life threatening” unless the property owner has had written prior notice of the complaint and is given ten (10) days to make a satisfactory resolution of the problem. The notice of complaint must be served to the property owner or resident agent by USPS certified mail or personal service. Rental Housing Appeal Board requires a copy of this notice prior to proceeding with the complaint in the event no action is taken by the landlord.

### **3. RESPONSE TO THE COMPLAINT:**

Special inspections occur after the complaint has been evaluated and acknowledged by the Department.

- a. Tenant(s) and/or Landlord must be present at the time of the inspection.
- b. If violations are observed, a notice is sent to the owner of the property, with copies to all parties, which enumerates the violations, required repairs and the completion date of listed violations.
- c. If the corrections have not been made by the date specified, or any additional time granted by City Staff, the matter is turned over to the City's Attorney, for possible legal action.



# Rental Complaint Form

Date: \_\_\_\_\_

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address of Rental Property: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Please describe the complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you have pictures or other documentation, please attach to the complaint form.

Has the complaint been reported to the Landlord or Property Manager? Yes  No

If yes, to whom and when?\* \_\_\_\_\_

How was landlord or property owner notified of the complaint?

Phone       In-Person       Certified Mail

*\* Non-life-safety complaints require the landlord or property manager be notified by United States Postal Service Certified Mail or by Personal Service.*

**LANDLORD / PROPERTY MANAGER NAME:**

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

I declare under penalty of perjury that the statements made herein are true and correct.

Signature of Tenant or Occupant: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Received by: \_\_\_\_\_ Date Received: \_\_\_\_\_ Assigned to: \_\_\_\_\_

**Rental Inspection Consent Form**

THIS INSPECTION WAS REQUESTED BY THE TENANT BECAUSE OF POSSIBLE BUILDING OR PROPERTY MAINTENANCE CODE VIOLATIONS THAT ARE NOT BEING ADDRESSED BY THE LANDLORD. THE TENANT HAS NOTIFIED THE LANDLORD WITH WRITTEN COMMUNICATION AND HAS GIVEN THE LANDLORD AMPLE TIME TO CORRECT THE ISSUES.

I (name of occupant) \_\_\_\_\_, an occupant of (address) \_\_\_\_\_, being the individual on the Rental Agreement form and requesting an internal/external inspection of the property listed above. This inspection requested is to determine if the property complies with the current Property Maintenance Code the City of Osawatomie has adopted.

Occupant's list of concerns:

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**The tenant must also provide a copy of the certified letter or affidavit of personal service with this form.**

Occupant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_



## **FEE TABLE**

*A single-family residence equates to one (1) dwelling; a duplex is two (2) dwellings; a triplex is three (3) dwellings and so forth.*

### **Inspection Fees**

- |   |          |
|---|----------|
| 1. First Inspection<br><i>(Included with the license application)</i>         | No Fee   |
| 2. Second Inspection<br><i>(if critical failures of the first inspection)</i> | \$100.00 |
| 3. Third Inspection<br><i>(if critical failures of the second inspection)</i> | \$300.00 |

**Failure of the third inspection will result in the Rental home being posted with a DO NOT OCCUPY until the conditions meet or exceed minimum building code and or property maintenance code guidelines.**



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	
	Date:	November 18, 2021
City Manager	From:	Mike Scanlon

**RE:** Ordinance 3803 – An Ordinance levying an additional one-half percent (0.50%) Retailers Sales Tax in the City of Osawatomie, for the purpose of repairing, rebuilding, rehabilitating, upgrading and improving streets, sidewalks, and all related street infrastructure and any short- or long-term financing required for such purposes.

**RECOMMENDATION:** That the City Council Ordinance 3803 – An Ordinance levying an additional one-half percent (0.50%) Retailers Sales Tax in the City of Osawatomie, for the purpose of repairing, rebuilding, rehabilitating, upgrading and improving streets, sidewalks, and all related street infrastructure and any short- or long-term financing required for such purposes.

**DETAILS:** In August, 2021 the City Council forwarded to the County Clerk Resolution 908A that set the language for a Sales Tax question to be submitted to Osawatomie voters. Several other Resolutions were also passed that outlined the funding for a 10-year Street Replacement and Repair program that included this sales tax. Please see attached memo outlining the funding presented to the City Council on August 9<sup>th</sup>. Also see attached Certification of the election results present by the Miami County Clerk.

Related Statute / City Ordinances	Resolution 908, Resolution 908A, Ordinance 3801
Line Item Code/Description	N/A
Available Budget:	N/A

**ORDINANCE NO. 3803**

**AN ORDINANCE LEVYING AN ADDITIONAL ONE-HALF PERCENT (0.50%) RETAILERS' SALES TAX IN THE CITY OF OSAWATOMIE, FOR THE PURPOSE OF REPAIRING, REBUILDING, REHABILITATING, UPGRADING AND IMPROVING STREETS, SIDEWALKS, AND ALL RELATED STREET INFRASTRUCTURE AND ANY SHORT- OR LONG-TERM FINANCING REQUIRED FOR SUCH PURPOSES.**

WHEREAS, the City of Osawatomie, has by prior action levied a City Retailer's Sales Tax in the amount of one percent (1.25%), and

WHEREAS, by election held on November 2, 2021, a majority of the electors voting did approve the levying of an additional one-half of one percent (.50%) retailers' sales tax in the City of Osawatomie, Kansas;

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

SECTION ONE: A majority of the electors voting thereon having approved, at the general election on November 2, 2021, the levying of an additional retailers' sales tax in the amount of one half of one percent (.50%), to take effect on January 1, 2022, and to be levied for ten years until December 31, 2031, on retail sales consummated within the city of Osawatomie, in accordance with the provisions of K.S.A. 12-187 et seq., and amendments thereto. Such tax shall be in addition to the one percent (1.25%) retailers' sales tax currently levied in the City of Osawatomie, Kansas.

SECTION TWO: The revenues derived from the additional retailers' sales tax levied by this ordinance are hereby pledged for repairing, rebuilding, rehabilitating, upgrading and improving streets, sidewalks and all related street infrastructure and any short- or long-term financing required for such purposes.

SECTION THREE: The additional retailers' sales tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act, and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such the additional City retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such additional retailers' sales tax.

SECTION FOUR: This ordinance shall take effect and be in force from and after its passage, approval, and publication in the Official City Newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas,  
a majority being in favor thereof, this 18<sup>th</sup> day of November, 2021,

APPROVED AND SIGNED by the Mayor.

---

L. Mark Govea  
Mayor

(SEAL)

ATTEST:

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Tammy Seamands  
City Clerk



CITY OF OSAWATOMIE

**FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE**

**Ordinance No. 3803: AN ORDINANCE LEVYING AN ADDITIONAL ONE-HALF PERCENT (0.50%) RETAILERS’ SALES TAX IN THE CITY OF OSAWATOMIE, FOR THE PURPOSE OF REPAIRING, REBUILDING, REHABILITATING, UPGRADING AND IMPROVING STREETS, SIDEWALKS, AND ALL RELATED STREET INFRASTRUCTURE AND ANY SHORT- OR LONG-TERM FINANCING REQUIRED FOR SUCH PURPOSES.**

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

(Published in the Miami County Republic, November 24, 2021) 1t

**Summary of Ordinance No. 3803**

On November 18, 2021, the City of Osawatomie, adopted Ordinance No. 3803, An ordinance levying an additional one-half percent (.50%) retailers’ sales tax in the City of Osawatomie, for the purpose of repairing, rebuilding, rehabilitating, upgrading and improving streets, sidewalks, and all related street infrastructure and any short- or long-term financing required for such purposes. A complete copy of this ordinance is available at [www.Osawatomieks.org](http://www.Osawatomieks.org) or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Richard Wetzler, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: November 18, 2021

Richard S. Wetzler  
Richard S. Wetzler, City Attorney



# Memorandum

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Date: August 9, 2021  
To: Mayor and City Council  
From: Mike Scanlon, City Manager  
Subject: Resolution 908 and a proposed Sales Tax Question

If you recall from my Five-Year Financial Forecast presentation – I made the statement that we have figured out how to balance much of our operating budget over the next five years, but there’s no money left to fix our streets. In the 2022 budget I’m proposing a “three-prong” attack on taking this issue on.

The first two prongs require tax increases so that we produce the dollars necessary to take care of our streets. One part would be property tax and the second part sales tax. The property tax portion can be done during our annual budget process. The sales tax portion requires a vote of the citizens.

What’s proposed and what it generates:

Source and Rate	Amount of Dollars (annually)
Property Tax – 16.764 mills	\$450,000
Sales Tax -- 0.50%	\$125,000
<b>TOTAL</b>	<b>\$575,000</b>

Additionally, we as an organization need to couple the \$1,000,000 we will receive over the next 10 years from Miami County Sales Tax with another \$2,000,000 in grants. Taken altogether we would be able to generate \$8,750,000. We would then couple this with our need to replace both our water distribution and wastewater collection systems and using “economies of scale” get much more done in streets in a shorter period of time (five years) than we could continuing the piece-meal approach we are following now. I believe we can also get 20% more done if we then bundle this into a bond issue and cut down the cost of construction inflation in future years. This all can be achieved. **BUT IT WILL TAKE THE ENTIRE COMMUNITY GETTING BEHIND THE EFFORT.**

I have attached a proposed Sales Tax question I would like the City Council to consider.

## City of Osawatomie, KS

### Sales Tax Question

“Shall the City of Osawatomie levy an additional retailers’ sales tax in the amount of five-tenths of one percent (0.5%) to be used exclusively for costs of maintenance and improvements of existing City streets, gutters, curbs, sidewalks, alleys and street lighting, provided such tax shall take effect on January 1, 2022 and expire on December 31, 2031?”

Janet White  
 Miami County Clerk  
 201 S. Pearl, Suite 102  
 Paola, Kansas 66071



Phone: (913) 294-3976  
 Fax: (913) 294-9544  
 countyclerk@miamicountyks.org  
 www.miamicountyks.org

Osawatomie City  
 PO Box 37  
 Osawatomie KS 66064

I, Janet White, Miami County Election Officer, do hereby certify the votes for the November 2, 2021, General Election as canvassed by the Miami County Board of Canvassers on November 10, 2021, in the Public Information/Election Verification Room, and hereby declare the following election results.

Done this 10th day of November 2021

**Osawatomie City Mayor**

Nick Hampson	359*
Mark Govea	211
Write-in Votes	1

**Osawatomie City Council**

**Precinct 1**

Kenny Diehm	52*
Brant A Johnson	44
Write-in Votes	1

**Precinct 2**

Kirk Wright	137*
Jon-Michael Brand	43
Write-in Votes	5

**Precinct 3**

Jeffrey D Walmann	38
Daniel West	18
Dale Bratton	84*
Write-in Votes	52
(Dereck Henness)	
Of the Write-In votes	50

**Precinct 4**

Tammy Filipin	76*
Write-in Votes	14

**Osawatomie City Sales Tax  
 Special Question**

YES	366*
NO	208

DONE THIS 10th DAY OF NOVEMBER, 2021.



Janet White  
 Miami County Clerk





City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	
Resolution 938	Date:	November 18,2021
Director of Community Development	From:	Ed Beaudry

**RE: Purchase of City-Owned Real Property.**

**RECOMMENDATION:** Osawatomie City Council approve the sale of City-owned real property.

**DETAILS:** It’s important for the City to have new dwellings built. Resolution 825, passed in December of 2020, authorizes City Staff to Develop a Process for the Sale and Redevelopment of Vacated City Owned Residential Lots. Subsequently, City Staff released an RFP for the sale of City owned real property on September 24, 2021. The requirements for all properties being sold are as follows:

1. A single-family or multi-family residence shall be built to the 2006 International Residential Code standards within 12 months (with an additional three [3] month administrative extension possible) of conveyance of the property to Buyer or the land will revert back to the City of Osawatomie.
2. Prior to conveyance of the described property, Buyer shall demonstrate to the reasonable satisfaction of the City Manager or his/her designees, that he/she has adequate financial means in place or committed to ensure that the construction of the residence on the property can be commenced and completed according to the time line established by this resolution.
3. All utilities shall be installed (electric, water, wastewater, and gas as applicable).
4. Should Buyer fail to comply with the terms of the agreement, Buyer agrees to give the Seller a Quit Claim Deed reverting the property back to the Seller, Buyer releases any further claim or interest in property including any partial construction.
5. No refund of monies will be given if the Buyer fails to comply with any terms of the agreement.

The RFP was posted on the City web site for all to see. City Staff received 1 bid showing interest in the purchase of properties.

1. 121 East Walnut Avenue- 1 bid \$2,500.00by SSGK a local developer. Kirk and Shelagh Wright.

**COUNCIL ACTION NEEDED:** Discuss and Consider and provide city staff with direction.

**STAFF RECOMMENDATION:** Approve the sale of city owned real property to SSGK totaling \$2,500.00.

RESOLUTION NO.938

A RESOLUTION OF THE CITY OF OSAWATOMIE, KANSAS ACCEPTING THE BIDS FOR CITY OWNED REAL PROPERTY AND AUTHORIZING THE CITY TO ENTER INTO A CONTRACT SALE OF **121 EAST WALNUT AVENUE** , SUBJECT TO CERTAIN CONTINGENCIES.

WHEREAS, the Governing Body wishes to promote growth and development on the property known as 121 East Walnut Avenue; and

WHEREAS, SSGK [hereinafter, “Buyer”] is seeking property in the City of Osawatomie to build a single-family residence; and

WHEREAS, The City has accepted the bid of the lot known as 121 E. Walnut Avenue, in the City of Osawatomie located in Miami County, Kansas.

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

SECTION ONE: The Governing Body authorizes the City to enter into a contingent sales contract with Buyer for the sale of the following property: **121 E. Walnut Avenue**

SECTION TWO: The Governing Body authorizes the sale of the described property to the Buyer for a sum of Two Thousand Five Hundred Dollars and zero cents (\$2,500.00), subject to the following contingencies being in place on sale and conveyance of the property:

- (a) At closing Buyer will pay to the City Clerk of the City of Osawatomie the sum of \$2,500.00.
- (b) Buyer will pay any costs of closing.
- (c) A single-family residence shall be built to the 2006 International Residential Code within 12-months (with a 3-month administrative extension if applicable) of conveyance of the property to Buyer;
- (d) The property is eligible for any neighborhood revitalization programs; and
- (e) A concrete driveway approach shall be installed prior to the final inspection; and
- (f) All utilities shall be installed (electric, water, wastewater, and gas as applicable).
- (g) Prior to conveyance of the described property, Buyer shall demonstrate to the reasonable satisfaction of the City Manager that Buyer has adequate financial means in place or committed to ensure that the construction of the residence on the property can be commenced and completed according to the time line established by this resolution.

SECTION THREE: This Resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas this 18th day of November, 2021, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

---

L. Mark Govea, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	10.C
	Date:	November 18, 2021
City Manager	From:	Mike Scanlon

**RE:** Charter Ordinance 20 – A Charter Ordinance exempting the City of Osawatomie, Kansas, from the provisions of K.S.A. 14-570 and K.S.A. 14-571 and providing substitute and additional provisions on the same subject relating to public improvements and the issuance of bonds for the purpose of paying for said improvements.

**RECOMMENDATION:** That the City Council approve Charter Ordinance 20 – A Charter Ordinance exempting the City of Osawatomie, Kansas, from the provisions of K.S.A. 14-570 and K.S.A. 14-571 and providing substitute and additional provisions on the same subject relating to public improvements and the issuance of bonds for the purpose of paying for said improvements.

**DETAILS:** We would like to issue as much street debt as possible to take advantage of low interest rates and avoid construction inflation. In order to do that we need to “charter,” exempt ourselves from the debt limit calculation currently in state statutes. Current state statutes cap a City’s borrowing limits (on General Obligation Bonds) at 30% of assessed value of the community. Because the state legislature has allowed for exceptions to this set of statutes we are (by rights found in the Kansas Constitution) allowed to deviate from the statutes and create our own set of laws – called Charter Ordinances. Charter Ordinance 20 would give us the ability to exceed the debt limit, but only after publishing our Charter Ordinance twice consecutively in the local paper and following a 60-day protest period after the second publication date. Additionally, it needs to be noted that the Charter Ordinance has been written in such a way to limit this authority to only the year 2022 – thus ensuring that we are only using this additional authority for the 10-year Street Program.

**Mr. Mitch Walter with Gilmore Bell will be present at the City Council meeting to answer any questions you might have.**

Related Statute / City Ordinances	Resolution 908, Resolution 908A, Ordinance 3801, and Ordinance 3803
Line-Item Code/Description	N/A
Available Budget:	N/A

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF OSAWATOMIE, KANSAS  
HELD ON NOVEMBER 18, 2021**

The governing body met in regular session at the usual meeting place in the City, at 6:30 P.M., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

(Other Proceedings)

Thereupon, there was presented a Charter Ordinance entitled:

**A CHARTER ORDINANCE EXEMPTING THE CITY OF OSAWATOMIE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-570 AND K.S.A. 14-571 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.**

Councilmember \_\_\_\_\_ moved that said Charter Ordinance be passed. The motion was seconded by Councilmember \_\_\_\_\_. Said Charter Ordinance was duly read and considered, and upon being put, the motion for the passage of said Charter Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea:

Nay:

Thereupon, the Charter Ordinance having passed with more than a 2/3 vote of the governing body, the Mayor declared said Charter Ordinance duly passed and the Charter Ordinance was numbered Charter Ordinance No. \_\_\_ and was signed by the Mayor and attested by the City Clerk.

\* \* \* \* \*

(Other Proceedings)

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**CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Osawatomie, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

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Clerk

(Published in The *Miami County Republic* on November 24, 2021 and December 1, 2021)

**CHARTER ORDINANCE NO. \_\_\_\_\_**

**A CHARTER ORDINANCE EXEMPTING THE CITY OF OSAWATOMIE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-570 AND K.S.A. 14-571 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.**

**WHEREAS**, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

**WHEREAS**, the City of Osawatomie, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

**WHEREAS**, K.S.A. 14-570 and K.S.A. 14-571 are part of an enactment of the Kansas Legislature (K.S.A. 14-570 *et seq.*) relating to public improvements and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

**WHEREAS**, the governing body of the City (the “Governing Body”) desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 14-570 and K.S.A. 14-571, and to provide substitute and additional provisions therefor.

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

**Section 1. Exemption.** The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-570 and K.S.A. 14-571, and shall be governed by the following substitute and additional provisions contained herein.

**Section 2. Master Plan for Public Improvements.** Whenever the City Manager has filed with the Governing Body a master capital improvements plan (the “Plan”) for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness heretofore created for public improvements, and which Plan may require a number of years to execute, and such Plan is approved by the Governing Body, the City is hereby authorized to issue its general obligation bonds (the “Bonds”) in an amount sufficient to carry out such Plan and associated costs.

**Section 3. Procedure for Issuance of Bonds.** Before any Bonds are authorized or issued pursuant to this Charter Ordinance, the City shall adopt a resolution specifying the amount of such Bonds and the purpose of the issuance thereof. Such resolution shall contain a provision that the issuance of the Bonds be subject to approval by a majority of the electors of the City voting on such question at a special election called for that purpose or at the next general election; *provided however*, that from the effective date of this Charter Ordinance up to and including December 31, 2022, the Governing Body may by

resolution authorize the issuance of Bonds to carry out the Plan and no election shall be required therefor; *provided further*, that any such resolution adopted subsequent to the effective date of this Charter Ordinance and prior to January 1, 2023 may contain a provision that the issuance of the Bonds be subject to approval by a majority of the electors of the City voting on such a question at a special election called for that purpose or at the next general election. Any election required by this section shall be conducted in the manner set forth in K.S.A. 10-120 by the election officer of the county in which the City is located.

**Section 4. Severability.** If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**Section 5. Effective Date.** This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

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**PASSED** with at least a two-thirds (2/3) vote of the entire Governing Body of the City of Osawatomie, Kansas, on November 18, 2021, and **SIGNED** by the Mayor.

---

Mayor

(SEAL)

ATTEST:

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Clerk

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of Charter Ordinance No. \_\_\_ of the City of Osawatomie, Kansas, adopted by the governing body on November 18, 2021, as the same appears of record in my office.

DATED: November 18, 2021.

---

Clerk

**CERTIFICATE OF NO PROTEST**

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF MIAMI         )

The undersigned, Clerk of the City of Osawatomie, Kansas (the "Issuer"), does hereby certify that the governing body of the Issuer duly adopted Charter Ordinance No. \_\_, on November 18, 2021; that such Charter Ordinance was duly published once each week for two consecutive weeks in the *Miami County Republic*, the official newspaper of the Issuer on November 24, 2021, and on December 1, 2021, as required by the Act; that more than sixty (60) days has elapsed from the date of final publication; and that there has been no sufficient written protest filed in my office, as provided in Article 12, Section 5 of the Kansas Constitution.

WITNESS my hand and official seal on \_\_\_\_\_, 2022.

(Seal)

\_\_\_\_\_

Clerk



City of Osawatomie

<b>ACTION ITEM SUMMARY</b>	Item Number:	
	Date:	November 18, 2020
City Manager	From:	Mike Scanlon

**RE:** Request to waive the generally accepted account principles (GAAP).

**RECOMMENDATION:** That the City Council pass the ordinance as presented to allow all financial statements and financial reports of the municipality to be prepared on the basis of cash receipts and disbursements, as adjusted to show compliance with the cash-basis and budget laws of Kansas.

**DETAILS:** K.S.A. 75-1120 requires the governing body of each municipality in Kansas to utilize generally accepted accounting principles (GAAP) as established by the Governmental Accounting Standards Board (GASB) and the American Institute of Certified Public Accountants. However, the statute allows the Director of Accounts and Reports to waive the requirements upon the request of the governing body of any city.

Prior to requesting the waiver, the governing body must annually pass a resolution, finding that financial statements and financial reports prepared in conformity with GAAP are not relevant to the requirements of the cash-basis and budget laws of Kansas and are of no significant value to the governing body or members of the general public of the municipality.

The law does state that the waiver cannot be requested if the provisions of revenue bond ordinances or resolutions, or other ordinances or resolutions of the municipality, require financial statements and financial reports to be prepared in conformance with GAAP.

If the waiver is granted, all financial statements and financial reports of the municipality are required to be prepared on the basis of cash receipts and disbursements, as adjusted to show compliance with the cash-basis and budget laws of Kansas.

Related Statute / City Ordinances	N/A
Line Item Code/Description	N/A
Available Budget:	<b>N/A</b>

RESOLUTION NO. 936

**A RESOLUTION WAIVING THE GAAP REQUIREMENTS  
OF K.S.A. 75-1120A(a) FOR THE YEAR ENDED 2022.**

WHEREAS, the City of Osawatomie, Kansas, has determined that the financial statements and financial reports for the year ended 2022 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Governing Body or the members of the general public of the City of Osawatomie; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Osawatomie, Kansas, in regular meeting duly assembled this 18th day of November, 2021 that the Governing Body waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Osawatomie for the year ended 2022.

BE IT FURTHER RESOLVED that the Governing Body shall cause the financial statements and financial reports of the City of Osawatomie to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 18<sup>th</sup> day of November, 2021, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

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L. Mark Govea, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk

# CITY OF OSAWATOMIE

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*L. Mark Govea, Mayor*

## CITY OF OSAWATOMIE

### DEPUTY CITY MANAGER'S REPORT ON OPERATIONS

November 18, 2021

#### **Water Treatment Plant Status:**

On November 3, 2021 M. Scanlon and I attended the Miami County Water Summit. Interagency cooperation was discussed at the outset, followed by a presentation on what items the American Rescue Plan Act (ARPA) funds could be spent on. Water One out of Johnson County stated they had discussed with the Strengthening People and Revitalizing Kansas (SPARK) Executive Committee about obtaining funds for a couple of projects they had lined up, but they were told by the SPARK committee that broadband connectivity activities were being targeted for ARPA monies as opposed to water projects. It is our opinion that the private sector can more effectively address any internet access/connectivity issues and that this limited use of ARPA funds is inhibiting a broader group of citizens of the State of Kansas from benefiting from the ARPA funds the State has received.

Update from RWD #2 November 8, 2021 Board Meeting: I attended the RWD #2 Board Meeting to discuss two options that their engineering firm put cost estimates together for. One estimate takes a proposed water line from and while the board appears open to the idea of partnering with us on a 12" water main from east of Lake Miola and essentially follows 169 south. The other proposal also leaves from the same starting point but heads basically due south past the MDCPUA plant and then turns west to come into Osawatomie on Main Street. Exact details remain to be discussed/finalized with RWD #2.

Update from MDCPUA November 18, 2021 Board Meeting: The Water Plant Advisory Committee will meet immediately prior to this November 18 Council meeting and an update will be provided at the December City Council meeting.

#### **Wastewater Treatment Plant Status:**

BG Consultants met with sewer treatment plant staff and identified some changes to the design that need to be made and/or considered. Those are being incorporated and the plan will be to advertise for bids in December, with an award being made shortly after the first of the year. Our engineers expressed optimism that the bids we receive will be competitive because prospective contractors will be looking to build out their schedules for the year.

#### **Middle School Water Line Update:**

Since we received no bids for the Osawatomie Middle School water line replacement, we are currently seeking bids for the materials needed to replace the water line, while awaiting qualified

bids from the same group of contractors we solicited initially (qualified in the sense that we have requested them to take exceptions to the terms we put in our initial RFP and provide us a price based on when they could actually perform the work). Pricing from the three different suppliers are as follows: 1.) Olathe WinWater - \$48,367; 2. - Core & Main - \$48,704; and 3.) Ferguson Waterworks - \$63,583. We have evaluated the bidders to confirm that all three are pricing the same material and chosen the lowest cost supplier for each item on the bill of material. Total cost for all material using this approach would be: \$47,057.26 for a total savings of \$1,310.62. Material has been ordered as of November 8 and is being received as it becomes available. Weather permitting, work will begin on the installation of the new line on or about December 13. Additionally, the MOU with Miami County was approved unanimously by the Miami Co. Commission at their regularly scheduled meeting on November 3, 2021.

#### **Utility Rate Study:**

KMEA was provided with approximately 75% of the information they need to conduct their rate analysis on October 28, 2021. The balance of the information was provided 11/9/21.

#### **Evergy MOU for Solar Array Development:**

I met with Evergy on Monday November 1, 2021 and again on November 15 to discuss the process going forward and what they need from the city. Additionally, Evergy will be meeting with KMEA on November 22 to finalize the list of cities interested in pursuing solar projects with Evergy in their communities. On November 23, we will have our November EMP 1 meeting, at which I expect we will have a finalized list of interested communities, at which point Evergy will be able to size the project(s) properly and get a better understanding of the cost of construction per MWdc.

#### **Evaluation of Contracting Mowing City Properties:**

The list of city properties to send out for bid has been compiled and issued to prospective bidders for pricing. Total land area being considered for contract mowing is ~131 acres and the list has been provided to the school for incorporation into their properties as well.

#### **2022 and 2023 Street Improvements:**

In 2022, we have Walnut from 4<sup>th</sup> to 6<sup>th</sup>, Main Street Terrace from 16<sup>th</sup> to 18<sup>th</sup>, Brown Ave. from 16<sup>th</sup> to 18<sup>th</sup>, and 18<sup>th</sup> Street from Brown Ave. to Main Street. *It should be noted that during my first tenure with the city, we approved engineering and design of Brown Ave. (16<sup>th</sup> to 18<sup>th</sup> only), so this segment is ready to be bid/built.* Additionally, Resolution #931 detailing all the streets to be covered with the property taxes and sales taxes was presented at the October 28, 2021 council meeting. Since that time, additional detail has been incorporated into the resolution to formally identify the streets that will be replaced in the 2022 and 2023 calendar years. We will need to go through this process again in 2024.

#### **Old Stone Church & Soldiers' Monument Groundskeeping:**

On Monday November 1, 2021, Mark Marquez and I met at the Old Stone Church to review the work that has been completed under a grant that the City received from the Hawkin's Foundation. All Bermuda grass has been sprayed, edging has been completed, grass removed from sidewalks, and new seed put down. Once the seed has germinated, overwintered and begun growing in earnest next spring, the balance of weeds will be removed. Roundup couldn't be used this first time around

because it would have had to sit until it was neutralized prior to putting seed down and by the time that happened, the chances of getting germination to occur this fall would have been very limited.

**John Brown Park Shelter Roof & Steps:**

The shelter house roof needs work. The public works department is putting together an RFP to get pricing for a contractor to come in and make the necessary repairs. Additionally, the steps on the east side of the shelter have chunks of concrete missing. The public works department is also planning on saw cutting the portion of the steps that need replaced and is planning on hammering out the portion of the steps that need replaced and repouring that portion prior to the end of this year.

**Employee Safety Efforts:**

We will once again (after a multi-year absence) be holding quarterly safety committee meetings that entail reviews of all city facilities. The first meeting was held on on November 15, 2021. Please note that this safety committee meeting entails reviews city facilities and should not be confused with the monthly safety meetings that we pay Kansas Municipal Utilities (KMU) to conduct. These latter meetings, to the best of my knowledge, have continued since my departure and will continue to occur. The only change that will be made here is the trainer will be spending the entire day with various city crews with the goal of observing work habits, work spaces, uses of equipment, etc. to further drive home our newly focused efforts on employee safety. Since we are paying for 8 hours of the trainer's time, we are going to get 8 hours of service (as opposed to 1 hour which is how we have been using their time thus far).