

OSAWATOMIE CITY COUNCIL
AGENDA

December 9, 2021

6:30 p.m. | Memorial Hall | 411 11th 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. December 9th Agenda
 - B. Meeting Minutes
 - November 18, 2021
 - November 23, 2021 (Special Meeting)
 - C. Pay Application(s)
 - BG Consultants (3) - \$18,260.00
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. Water Study Committee Presentation and Recommendation
9. Unfinished Business
 - A. Ordinance 3802 – Healthy Rental Homes – Ed Beaudry
10. New Business
 - A. Resolution 941 – Accepting Recommendation of Water Study Committee – Bret Glendening
 - B. Resolution 942 – Setting Floating Holiday for 2022 – Mike Scanlon
 - C. Resolution 943 – Repair or Reconstruction of the Sanitary Sewer – Bret Glendening
 - D. Resolution 944 – New Construction Building Incentive – Ed Beaudry
 - E. Resolution 945 – Reestablishing the Tourism Committee and Modifying Powers and Responsibilities – Mike Scanlon
 - F. Resolution 946 – Annual Review of the City Council Policies 101-107 – Mike Scanlon
 - G. Resolution 947 – Calling for a City Council Meeting on December 30, 2021 – Mike Scanlon
 - H. Resolution 948 – Establishing next steps in OZCommons Plan Implementation – Mike Scanlon
 - I. Resolution 949 – Opt-In Opioid Resolution – Bret Glendening
 - J. Ordinance 3804 – Neighborhood Revitalization Plan Extension – Ed Beaudry
 - K. Ordinance 3805 – Adopting the 2022 Budget for the City of Osawatomie, Kansas – Mike Scanlon
 - L. Ordinance 3806 – Authorization to Spend According to the Approved 2022 Annual Budget – Mike Scanlon
11. Council Report
12. Mayor’s Report
13. City Manager & Staff Report – Year in Review – Mike Scanlon
14. Executive Session – Acquisition of Real Property
15. Adjourn

NEXT SCHEDULED MEETING – December 30, 2021

Osawatomie, Kansas. **November 18, 2021.** The Council Meeting was held at the Memorial Hall located at 411 11th Street. Mayor L. Mark Govea called the meeting to order at 6:30 p.m. Council members present were Dickinson, LaDuex, Macek, Diehm, Wright, Walmann and Caldwell. Council Member Macek was 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, Police Chief David Stuteville, Deputy Police Chief William Bradshaw, Public Safety Officer Nick Gazzano, Public Safety Officer Chris Perkins, Public Safety Officer Nina Coleman, Public Safety Officer John Johnson, Public Safety Officer Michael Huggins, Public Safety Officer Curtis Isle, Public Safety Officer Grant Sparks, Public Safety Officer Jim Herman, Public Safety K9 Ricky, Court Clerk Lisa Hastings, Clerk Misty Ballard and City Attorney Richard Wetzler. Members of the public were: Kalyn Petzold, Mitch Walter, Robin Stuteville, Crystal Perkins, Philip Reavis, Joy Reavis, Harold Shelton, Sue Shelton, Claud Shelton, John Wastlund, Jim Wilson, Donna Wilson, Dylan Shelton, Rachel Bowman, Derek Henness, SuAnne Herman, Christian Herman, Sarah Dorsett, Kenzie Sparks, Diane Sparks, Todd Sparks, Drake Sparks, Josh Leon, Kari Bradley and Dale Bratton.

INVOCATION. – Pastor John Wastlund – Well Wesleyan Church

CONSENT AGENDA. Approval of November 18th Agenda, October 28th Council Minutes, Pay Application – BG Consultants - \$12,000 – WWTP Improvements, Pay Application – BG Consultants - \$456 – Wastewater Collection System PER, Special Event Permit – Miracle on Main Street, Appointment of Bret Glendening to MRWAD #2 Board. **Motion** made by Walmann, seconded by Dickinson to amend the agenda by moving Charter Ordinance 20 to be considered after the Osawatomie Police Departments – Promotions and Awards. Yeas: All. **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda as amended. Yeas: All.

COMMENTS FROM THE PUBLIC.

Pastor John Wastlund – There is a community Thanksgiving Dinner in the City Auditorium on Sunday November 21st at 5:00 p.m. The Band of Oz will play and there will be a community choir. This event is open to the public.

PUBLIC HEARINGS. – None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

BADGE PINNING – Nicholas Gazzano introduced public safety officers Chris Perkins, Curtis Isele, Jim Herman and K9 Ricky and the family members for each officer had the privilege of pinning the Osawatomie Police badge onto their uniform.

OATH OF OFFICE – Curtis Isele, Chris Perkins, Jim Herman and K9 Ricky were given the Oath of Office by City Clerk Tammy Seamands.

Sergeant Promotions – Nicholas Gazzano introduced public safety officers Grant Sparks and Nina Coleman. These two officers were promoted to Sergeant and the family members for each officer had the privilege of pinning the Osawatome Police badge and stripes onto their uniform.

OSAWATOMIE 4.0 RESIDENTIAL (AFFORDABLE HOUSING/AFFORDABLE LIVING)- City Manager Scanlon reviewed some of the economic and housing changes in Osawatome over 50-year increments. Scanlon thinks the next step is to inventory all of the housing properties and surrounding properties that would make good candidates for residential development. We can then figure out how to put them into larger pieces to see how many residential units we can yield and that fit the area in which we are building. We create possible work/home opportunities in our downtown as a way to attract entrepreneurs and small business owners to open places up. We develop housing of all types, continue to redevelop our downtown and connection to our history and trails. We need to create sidewalk connections to create a work/live/play opportunity.

UNFINISHED BUSINESS.

CHARTER ORDINANCE 20 – EXEMPTING THE CITY OF OSAWAOTMIE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-570 AND K.S.A. 14-571 – In order to issue as much street debt as possible to take advantage of low interest rates and avoid construction inflation, we need to exempt ourselves from the debt limit calculation currently in state statutes. This ordinance has been written to limit this authority to only the year 2022 to ensure that we are only using this additional authority for the 10-year Street Program. **Motion** made by LaDuex, seconded by Wright to approve Charter Ordinance 20 – Exempting the City of Osawatome 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 as presented. Yeas: All.

RESOLUTION 931 – IDENTIFYING STREETS IN CIP PRIORITY PLAN – 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. **Motion** made by Walmann, seconded by LaDuex to approve Resolution 931 – Directing city staff to follow the CIP street priority plan presented for the coming year as presented. Yeas: All.

RESOLUTION 937 – COMPLETE PURCHASE OF REAL PROPERTY – “HAYS HILL” – The goal of this purchase is to allow for the assemblage of property to be used in a small-scale residential development just south of the dam at Osawatome Lake including the camping grounds found to the north. **Motion** made by LaDuex, seconded by Wright to approve Resolution 937 – to finalize the purchase of real property known as “Hays Hill” and hereby identified by Miami County as parcel id’s (1493200000001010, 1493200000009000) as presented. Yeas: All.

ORDINANCE 3801 — AMENDMENTS TO MAIN TRAFFICWAY DESIGNATIONS - This will expand the number of named “main trafficways” to facilitate issuing GO debt for reconstruction of streets as identified in Resolution 931. – **Motion** made by LaDuex, seconded by Walmann to approve ORDINANCE 3801 – 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.; for bond financing purposes of the municipal code of the City of Osawatomie of Kansas as presented. Yeas: All.

ORDINANCE 3802– CREATING CHAPTER XVII – HEALTHY RENTAL HOMES – **Motion** made by Macek, with no seconded to approve Ordinance 3802 – 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.” Motion failed due to lack of second. This Ordinance will be brought back to council on December 9, 2021.

ORDINANCE 3803 – PASSAGE OF .50% SALES TAX AT 11/02/2021 GENERAL ELECTION–In August, 2021 the city Council forwarded to the City Clerk Resolution 908A that set the language for a sales tax question to be submitted to Osawatomie voters. We have received certification from the Miami County that the sales tax question passed. We now need to pass this ordinance to put it in place. **Motion** made by LaDuex, seconded by Caldwell to approve Ordinance 3803 – Levying and 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 purpose as presented. Yeas: All.

NEW BUSINESS.

RESOLUTION 939 –GAAP Waiver 2022 - This resolution allows 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. **Motion** made by LaDuex, seconded by Caldwell to approve Resolution 939 – Waiving the GAAP requirements of K.S.A. 75-1120A(a) for the year ended 2022 as presented. Yeas: All.

RESOLUTION 938 – SALE OF CITY PROPERTY –An RFP was posted on the city web site for the sale of 121 Est Walnut Avenue. City staff received only one bid showing interest in the purchase of this property. Motion made by Caldwell, seconded by LaDuex to approve Resolution 938 – 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 as presented. Yeas: All. Wright abstained due to conflict of interest.

COUNCIL REPORTS.

Cathy Caldwell ~ excited to see the level of police officers that we are attracting to the community.

Lawrence Dickinson ~ It was a really good Veterans’ Day Celebration at the school. The scouts did a great job collecting 1600 lbs. of food that went to the food pantry.

Dan Macek ~ asked where we are at for getting KP&F for the police officers.

MAYOR'S REPORT – Thanks to Mr. Beaudry and Mr. Ellis for all their hard work. Thanks to Shay, Kari, Trevor and Wes for the bench ceremony today and all that was involved in putting the project together. Thank you to the citizens of Osawatomie. The sales tax question that was on the ballot passed 64% to 36% which is an overwhelming success. Thank you to Miami County for their support and providing us money. It is a blessing to have them as a partner. Thanks to Bret for taking on the water committee. We will have an executive session tonight that will take about 20 minutes.

CITY MANAGER & STAFF REPORTS. – Scanlon announced that there will be a special council meeting on Tuesday, November 23rd to discuss the proposed changes of the police departments retirement benefit from KPERS to KP&F. Sometimes a little change can make a big difference. Same changed where the beginning of the flint hills trail showed on google maps and place it where it should be with a picture. There have been 30,000 views since March.

EXECUTIVE SESSION. - **Motion** made by LaDuex, seconded by Dickinson to recess into executive session for 20 minutes for the discussion of the acquisition of real property. We will reconvene the open meeting at 9:04 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 9:04 p.m. with no action taken.

OTHER DISCUSSION/MOTIONS.

Motion made by Dickinson, seconded by Diehm to adjourn. Yeas: All. Mayor declared the meeting adjourned at 9:04 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk

Osawatomie, Kansas. **November 23, 2021.** The Special Council Meeting was held at City Hall. Pro Tem Mayor Karen LaDuex called the meeting to order at 4:00 p.m. Council members present were Diehm, LaDuex, Hampson, Caldwell, Macek and Wright. Council members Walmann and Dickinson were absent. Mayor L. Mark Govea was absent. City Staff present at the meeting were: City Manager Mike Scanlon, Deputy City Manager Bret Glendening, City Clerk Tammy Seamands and Assistant to the City Manager Samantha Moon. There were no members of the public present.

COMMENTS FROM THE PUBLIC. – None.

NEW BUSINESS.

RESOLUTION 940 – CONSIDERING A TRANSFER OF AUTHORIZED POLICE PERSONNEL FROM KPERS TO KP&F. – Scanlon discussed the difference in contribution rates and benefits between KPERS and KP&F. The cost to the city for retirement benefits would increase by approximately \$110,357.68 a year to change to KP&F. Scanlon discussed some options to help lower that cost difference. Motion made by Hampson, seconded by Wright to approve Resolution 940 – Considering a transfer of authorized police personnel from KPERS to KP&F as presented. Yeas: All.

OTHER DISCUSSION/MOTIONS.

Motion made by Hampson, seconded by Wright to adjourn. Yeas: All. Mayor declared the meeting adjourned at 4:30 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk

December 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 **November** 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	100.0%	\$92,000.00
3. Bidding and Negotiating Phase	\$20,000.00	0.0%	\$0.00
4. Approvals and Permitting	\$15,000.00	100.0%	\$15,000.00
5. Construction Substantial Completion	\$5,000.00	0.0%	\$0.00

*Updated, refer to Contract Amendment 01

Subtotal Amount Due: \$14,960.00
 Total Completed to date: \$224,000.00
 Prior Billings to Date: \$209,040.00

Resident Project Observation

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

Additional Services

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

Total Amount Due: \$14,960.00

Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.
 Project Engineer



December 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 **November** 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	29.0%	\$5,510.00
		Subtotal Amount Due:	\$3,040.00
		Total Completed to date:	\$5,510.00
		Prior Billings to Date:	\$2,470.00

Sincerely,

BG CONSULTANTS, INC.

Paul Owings, P.E.
Project Engineer

December 3, 2021

Mike Scanlon, City Manager
City of Osawatomie, Kansas
439 Main Street
Osawatomie, KS 66064

Re: 21-1234L - Drinking Water System PER

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

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

Engineering Services:

<u>Task</u>	<u>Lump Sum Amount</u>	<u>Completion Progress</u>	<u>Total</u>
1. Preliminary Engineering Report	\$6,500.00	100.0%	\$6,500.00
		Subtotal Amount Due:	\$260.00
		Total Completed to date:	\$6,500.00
		Prior Billings to Date:	\$6,240.00

Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.
Project Engineer

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

L. Mark Govea, Mayor

To: Mayor Govea and the Osawatomie City Council
From: Water Study Committee
Re: Recommendation to Council Regarding the Osawatomie Water Plant & Distribution System
Date: November 18, 2021

Resolution 844, adopted by the City Council on February 11, 2021 required that the Water Study Committee be formed, meet regularly, and report back a recommendation to the City Council no later than June 1, 2021. With that date having passed due in large part to the multitude of issues facing the water utility, the financial impacts that this recommendation would potentially have, and finding a multi-pronged approach that allows us to secure secondary and tertiary sources of water, we are just now able to finalize our recommendation.

The Water Study Committee recommends the following actions by the City Council:

- 1.) Coordinate via a multi-agency interlocal agreement, the construction of a water line that interconnects Miami Co. RWD #2 to the Marais des Cygnes Public Utility Authority, as well as the City of Osawatomie. The committee believes that this construction project is eligible for American Recovery Plan Act (ARPA) monies and the city should pursue access to these funds vigorously.
- 2.) The city should initiate engineering on the new water treatment plant and water distribution lines (8" in diameter and above), as well as compile an RFP for issuance to potential construction companies.
- 3.) Simultaneously, the city should pursue financing options for the construction of a new water treatment plant as well as replacing aged water distribution lines via the USDA and KDHE's SRF programs. The goal should be to capitalize on funds that are either: 1.) currently available through ARPA; or 2.) included in the most recently approved infrastructure bill.
 - a. The estimated cost of building a new water treatment plant is ~\$20M. Additionally, the cost of replacing the water distribution lines is ~\$20M.
 - b. Osawatomie's median household income value is: \$33,309. USDA requires water rates to equate to 1.5% of this figure/month, or: \$41.64 prior to being "grant eligible". In consultation with our city engineer as well as the USDA, we could easily qualify for grants equal to 45% of this project (see Attachment A).
- 4.) Building on recommendation point #2, interest rates assumed for this project are 1.75%. Due to the size of the project, as well as Osawatomie having an LMI that supports a lower rate, and the fact that this project is a security/safety/sanitary issue, we most likely could qualify for USDA's lowest rate which is 1.25%.
 - a. Maximum grant eligibility is 45%. Due to ongoing issues with our water treatment facility, our engineering firm, BG Consultants believes we may realize a bit of principle forgiveness on the temporary financing side through the KDHE SRF program. KDHE has forgiven

upwards of 30% of a project before, but we have not taken this fact into consideration for our recommendation as it is not a guarantee.

- b. Borrowing \$19,422,288 on a 40-year loan with a 1.75% interest rate shows a monthly payment of \$56,300. Annually, that amounts to: \$675,500. We are currently transferring more than \$300,000 annually from the water fund.
- 5.) The water study committee further recommends that the city cease transfers from the water fund and dedicate these funds instead to reserves for use on these two projects. The ultimate goal should be to minimize to the greatest extent possible, the amount of loan dollars the city needs to borrow.
- 6.) Finally, the city needs to get back to a policy of capping transfers at 5% from each utility fund, which is a rate equivalent to the franchise rates we charge to private utilities. The city needs to establish a goal of reaching this transfer cap (franchise fee equivalent) by the 2024 budget year. If not accomplished, we will once again find ourselves not adequately funding the repair and replacement of our utilities.

Osawatomie, Kansas
Drinking Water Improvements
 User Rate Analysis Worksheet

	KDHE Loan	USDA RD Loan and 45% Grant	USDA RD Loan and 40% Grant	USDA RD Loan
Project Cost	\$ 35,313,251.00	\$ 35,313,251.00	\$ 35,313,251.00	\$ 35,313,251.00
USDA Grant	\$ -	\$ 15,890,962.95	\$ 14,125,300.40	\$ -
Loan Amount Financed	\$ 35,313,251.00	\$ 19,422,288.05	\$ 21,187,950.60	\$ 35,313,251.00
Annual Interest (%)	1.48%	1.750%	1.750%	1.750%
Terms of Loan	20	40	40	40
Annual Loan Payment	\$ 2,052,793.36	\$ 679,238.03	\$ 740,986.94	\$ 1,234,978.23
Existing Annual O&M	\$ 1,100,000.00	\$ 1,100,000.00	\$ 1,100,000.00	\$ 1,100,000.00
Total Annual Expenses	\$ 3,152,793.36	\$ 1,779,238.03	\$ 1,840,986.94	\$ 2,334,978.23
RWD Revenue	\$ 340,000.00	\$ 340,000.00	\$ 340,000.00	\$ 340,000.00
State Hospital Revenue	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00
Annual Expenses - RWD Rev.	\$ 2,770,793.36	\$ 1,397,238.03	\$ 1,458,986.94	\$ 1,952,978.23
Number of EDUs	1,992	1,992	1,992	1,992
Expenses divided by EDUs	\$ 115.91	\$ 58.45	\$ 61.04	\$ 81.70

Amortization Schedule Information (With Grant)	
Interest Rate	1.750%
Loan Term (Years)	40
Payments/Year	12
Loan Amount	\$ 19,422,288.05 MAY ADJUST BASED ON LOAN GRANT SCENARIO

Amortization Schedule (first 6 months of debt repayment / last 6 months of debt repayment)						
Period	Month	Payment	Interest	Principal	Balance	Total Paid
	Begin	0	0	0	\$ 19,422,288.05	0
1	Jan-23	(\$56,292.41)	(\$28,324.17)	(\$27,968.24)	\$ 19,394,319.81	(\$56,292.41)
2	Feb-23	(\$56,292.41)	(\$28,283.38)	(\$28,009.03)	\$ 19,366,310.78	(\$112,584.83)
3	Mar-23	(\$56,292.41)	(\$28,242.54)	(\$28,049.88)	\$ 19,338,260.90	(\$168,877.24)
4	Apr-23	(\$56,292.41)	(\$28,201.63)	(\$28,090.78)	\$ 19,310,170.12	(\$225,169.65)
5	May-23	(\$56,292.41)	(\$28,160.66)	(\$28,131.75)	\$ 19,282,038.37	(\$281,462.07)
6	Jun-23	(\$56,292.41)	(\$28,119.64)	(\$28,172.77)	\$ 19,253,865.60	(\$337,754.48)
475	Jul-62	(\$56,292.41)	(\$490.05)	(\$55,802.36)	\$ 280,234.85	(\$26,738,896.21)
476	Aug-62	(\$56,292.41)	(\$408.68)	(\$55,883.74)	\$ 224,351.11	(\$26,795,188.63)
477	Sep-62	(\$56,292.41)	(\$327.18)	(\$55,965.23)	\$ 168,385.88	(\$26,851,481.04)
478	Oct-62	(\$56,292.41)	(\$245.56)	(\$56,046.85)	\$ 112,339.02	(\$26,907,773.45)
479	Nov-62	(\$56,292.41)	(\$163.83)	(\$56,128.59)	\$ 56,210.44	(\$26,964,065.87)
480	Dec-62	(\$56,292.41)	(\$81.97)	(\$56,210.44)	\$ 0.00	(\$27,020,358.28)

\$ 36,788.00 Increased monthly revenue from water rate increase (assumes an increase of avg. mo. Bill from \$25 to \$41.64)
 \$ 25,000.00 Existing monthly revenue retained by ceasing transfers from water fund
\$ 61,788.00



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	
	Date:	December 9, 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 28th City Council meeting for any comments, questions or changes. As of this date we have made a few small 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.

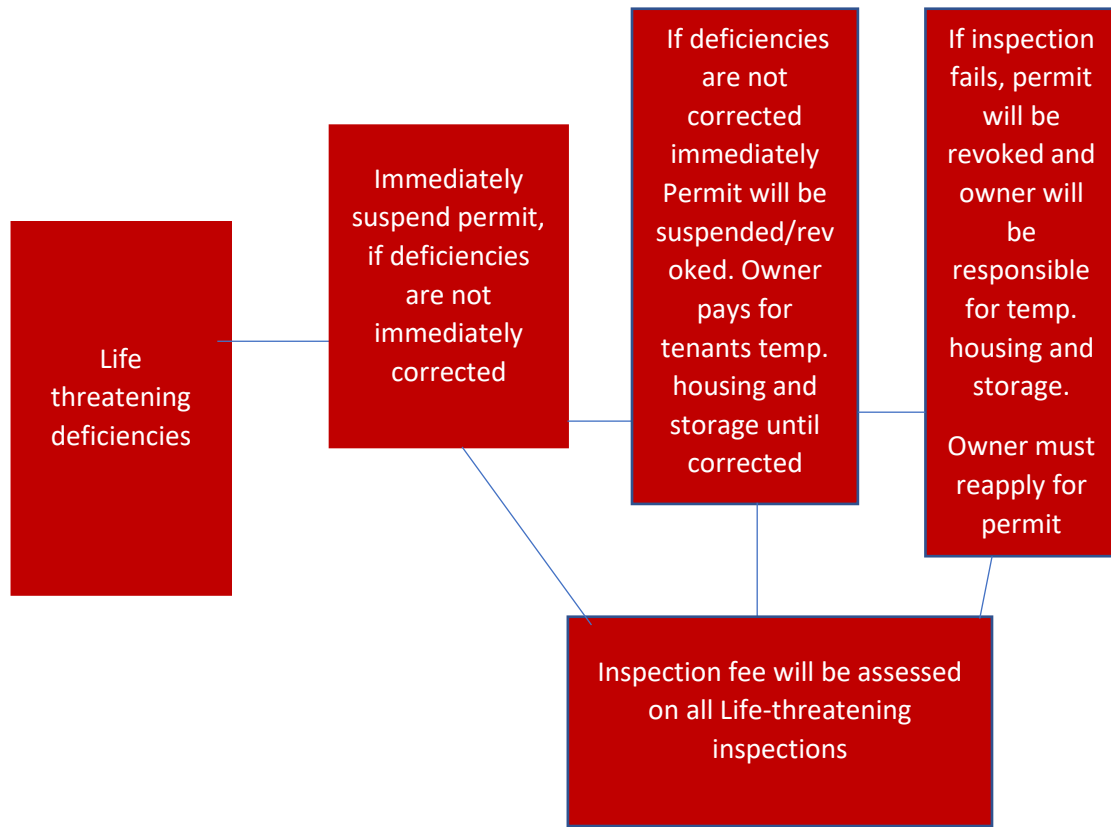
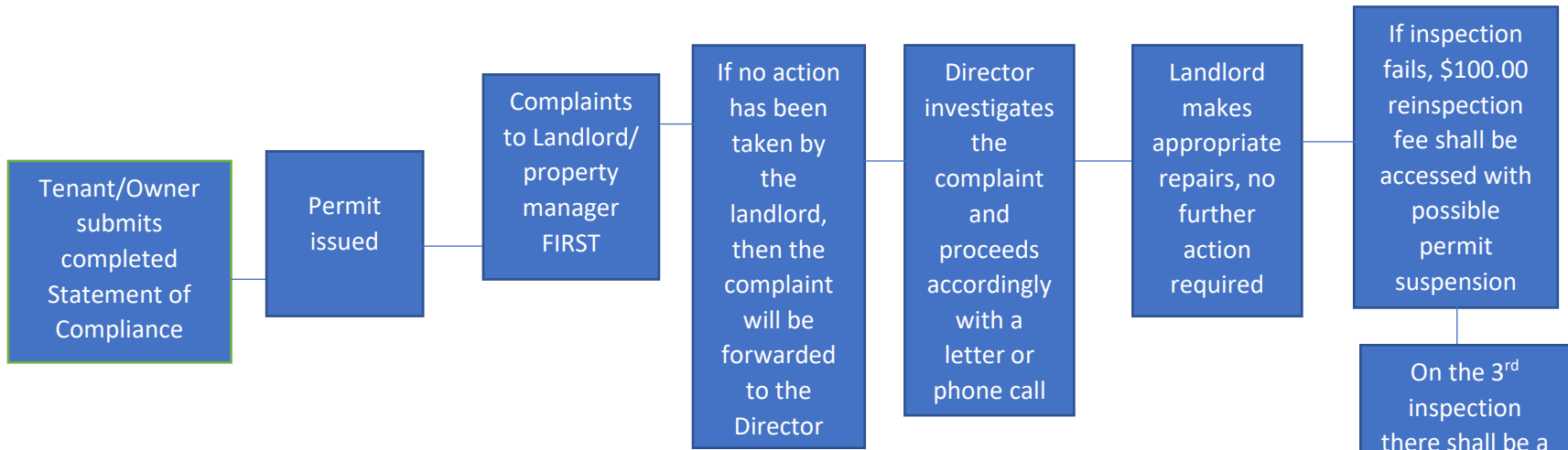
APPROVED AND SIGNED by the Mayor.

L. Mark Govea
Mayor

(SEAL)

ATTEST:

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 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

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

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.osawatomieks.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.
- 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.
- Eliminate rats, insects and other pests (maintain regular upkeep and pest control).

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

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

Updated June 11, 2021

		Good	Fair	Poor	Comments
GENERAL	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.

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:

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

ACTION ITEM SUMMARY	Item Number:	10.A.
	Date:	12/9/2021
Deputy City Manager	From:	Bret Glendening

RE: Recommendation of the Water Study Committee

RECOMMENDATION: Approve the Resolution

DETAILS: The council adopted Resolution 844 earlier this year. The committee met multiple times, reviewed a significant amount of information, toured multiple facilities, and weighed all the options carefully. The committee drafted their recommendation and at the November 18th meeting, reviewed and adopted the recommendation unanimously. Upon adoption of the recommendation, the committee adjourned for the final time.

Related Statute / City Ordinances	844
Line-Item Code/Description	N/A
Available Budget:	N/A

RESOLUTION NO. 941

A RESOLUTION ACCEPTING THE RECOMMENDATIONS
OF THE WATER STUDY COMMITTEE

WHEREAS, the City of Osawatomie, Kansas, appointed a Water Study Committee via Resolution 844 to study and make a recommendation or recommendations to the Governing Body as to the most appropriate course of action for the Governing Body to make; and

WHEREAS, the Water Study Committee met on November 18, 2021 and voted unanimously to make its recommendation to the Governing Body; and

WHEREAS, the Water Study Committee has made its formal recommendations to the Governing Body on December 9, 2021; and

WHEREAS, that recommendation entails a phased approach to replace approximately seventy five percent (75%) of the city's water distribution lines, design and construct a new water treatment facility, and affect other tangential efforts associated with ensuring a continued supply of potable drinking water for the citizens of the City of Osawatomie.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Osawatomie, Kansas, in regular meeting duly assembled this 13th day of January, 2022 that the Governing Body accepts the recommendations of the Water Study Committee.

BE IT FURTHER RESOLVED that the Governing Body hereby directs the City Manager and Deputy City Manager to take the necessary steps required to implement the recommendations of the Water Study Committee, it being the intent of this Governing Body, that all financial policies of the City of Osawatomie and any other policies and procedures of the City of Osawatomie be adhered to at all times with appropriate checks and balances in place to ensure accountability is maintained between the appointed officials of the City of Osawatomie and the Governing Body of the same.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 13th day of January, 2022, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Nick Hampson, Mayor

(SEAL)

ATTEST:



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.B
	Date:	December 7, 2021
City Manager	From:	Mike Scanlon

RE: Resolution 942 – Resolution of the City of Osawatomie, Kansas Designating the Floating Holiday for 2022.

RECOMMENDATION: Approve Resolution 842 that designates the floating holiday for 2022.

DETAILS: The City of Osawatomie’s Personnel Handbook dictates that the floating holiday shall be designated in December of the preceding year by the City Manager.

RESOLUTION NO. 942

**A RESOLUTION OF THE CITY OF OSAWATOMIE, KANSAS
DESIGNATING THE FLOATING HOLIDAY FOR 2022.**

WHEREAS, the Governing Body through the City of Osawatomie Personnel Policies and Guidelines have established a floating holiday; and

WHEREAS, it's left to the City Manager to establish the floating holiday in the year previous to it being taken; and

WHEREAS, it's appropriate for the City Manager to inform and request a Resolution establishing side "floating" holiday.

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

SECTION ONE: The Governing Body accepts the recommendation of the City Manager to designate Friday, December 23, 2022 as the floating holiday for the calendar year 2022.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas this 9th day of December 2021, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.C.
	Date:	12/9/2021
Deputy City Manager	From:	Bret Glendening

RE: Wastewater Treatment Plant Project Authorization Resolution

RECOMMENDATION: Approve the resolution initiating the new project and refinancing existing debt.

DETAILS: The second phase of the wastewater treatment plant is ready to be issued for proposals. This resolution formally approves the project, authorizes the issuance of GO Bonds to finance the current project as well as roll into these bonds, existing sewer bonds from 2013 (also for the sewer plant) into a single issue.

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

RESOLUTION NO. 943

A RESOLUTION OF THE OSAWATOMIE, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF A SANITARY SEWER IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 12-631a, as amended (the “Act”), provides, in part, that whenever, in the opinion of the governing body of any city in the state of Kansas it shall become necessary to alter, repair or reconstruct any existing sewer which serves two or more sewer districts, where sewer districts may have been created, or which serves a substantial portion of the city, the governing body of such city may provide for the alteration, repair or reconstruction of any such sewer; or if any such sewer, after having been constructed for twenty years or more, is found to be inadequate, and in the opinion of the governing body the inadequacy of such sewer can be corrected at a lesser cost by the construction of another sewer in the same watershed, the governing body of such city may provide for the construction of a supplemental sewer; and

WHEREAS, in order to pay for the construction of sewers pursuant to the Act, the governing body of such city may, if in the opinion of the governing body the cost of such alteration, repair, construction or reconstruction should be borne by the city at large, pay the cost thereof out of the general fund of the city, and if the general fund is insufficient to pay such cost, or if the governing body deems it necessary, such governing body may issue general improvement bonds in the manner provided by law to pay such cost; and

WHEREAS, the governing body (the “Governing Body”) of the Osawatome, Kansas (the “City”) has previously caused to be made certain sanitary sewer improvements consisting of the design and construction of improvements to increase the size of the incoming flow channel, including new screening equipment and grit removal equipment of adequate size and capacity, and all improvements related thereto (the “Project”); and

WHEREAS, the Governing Body passed an Ordinance authorizing the execution of a loan agreement with the Kansas Department of Health and Environment (“KDHE”) to provide initial financing for the Project (the “KDHE Loan”) as described below:

<u>Loan Description</u>	<u>Effective Date</u>	<u>Principal Amount</u>	<u>Outstanding Principal Amount</u>
Sanitary Sewer Improvements (KWPCRF Project No. C20 1961 01)	11/20/2013	\$1,273,000.00	\$984,707.60

WHEREAS, the Project reconstructed a sewer that was originally constructed 20 or more years ago that serves a substantial portion of the City and is inadequate at the present time; and

WHEREAS, the Governing Body desires to prepay the KDHE Loan and permanently finance the Project and there is not sufficient monies in the general fund of the City to pay the costs of the Project and the Governing Body deems it necessary and advisable to issue general obligation bonds of the City pursuant to the Act in order to pay the costs of the Project, including retiring the KDHE Loan.

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable under the Act to provide for the issuance of general obligation bonds of the City to pay the costs of the Project, including the prepayment the KDHE Loan.

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

Section 1. Authorization of Project. The governing body of the City hereby ratifies the construction of the Project.

Section 2. Bond Authorization. The Governing Body hereby authorizes the issuance of general obligation bonds (the “Bonds”) to: (a) finance the costs of the Project, including prepaying the outstanding portion of the KDHE Loan; and (b) pay costs of issuance associated therewith.

Section 3. Reimbursement. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 4. Effective Date. This Resolution shall be in force and take effect from and after its adoption.

ADOPTED AND APPROVED by the governing body of the City of Osawatomie, Kansas, on December 9, 2021.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 943 of the City of Osawatomie, Kansas adopted by the governing body on December 9, 2021 as the same appears of record in my office.

DATED: December 9, 2021.

Clerk

**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 special 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 Resolution entitled:

A RESOLUTION OF THE OSAWATOMIE, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF A SANITARY SEWER IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Aye:

Nay:

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. ____ and was signed by the Mayor and attested by the Clerk.

* * * * *

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

Clerk

RESOLUTION NO. 943

A RESOLUTION OF THE OSAWATOMIE, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF A SANITARY SEWER IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 12-631a, as amended (the “Act”), provides, in part, that whenever, in the opinion of the governing body of any city in the state of Kansas it shall become necessary to alter, repair or reconstruct any existing sewer which serves two or more sewer districts, where sewer districts may have been created, or which serves a substantial portion of the city, the governing body of such city may provide for the alteration, repair or reconstruction of any such sewer; or if any such sewer, after having been constructed for twenty years or more, is found to be inadequate, and in the opinion of the governing body the inadequacy of such sewer can be corrected at a lesser cost by the construction of another sewer in the same watershed, the governing body of such city may provide for the construction of a supplemental sewer; and

WHEREAS, in order to pay for the construction of sewers pursuant to the Act, the governing body of such city may, if in the opinion of the governing body the cost of such alteration, repair, construction or reconstruction should be borne by the city at large, pay the cost thereof out of the general fund of the city, and if the general fund is insufficient to pay such cost, or if the governing body deems it necessary, such governing body may issue general improvement bonds in the manner provided by law to pay such cost; and

WHEREAS, the governing body (the “Governing Body”) of the Osawatomie, Kansas (the “City”) has previously caused to be made certain sanitary sewer improvements consisting of the design and construction of improvements to increase the size of the incoming flow channel, including new screening equipment and grit removal equipment of adequate size and capacity, and all improvements related thereto (the “Project”); and

WHEREAS, the Governing Body passed an Ordinance authorizing the execution of a loan agreement with the Kansas Department of Health and Environment (“KDHE”) to provide initial financing for the Project (the “KDHE Loan”) as described below:

<u>Loan Description</u>	<u>Effective Date</u>	<u>Principal Amount</u>	<u>Outstanding Principal Amount</u>
Sanitary Sewer Improvements (KWPCRF Project No. C20 1961 01)	11/20/2013	\$1,273,000.00	\$984,707.60

WHEREAS, the Project reconstructed a sewer that was originally constructed 20 or more years ago that serves a substantial portion of the City and is inadequate at the present time; and

WHEREAS, the Governing Body desires to prepay the KDHE Loan and permanently finance the Project and there is not sufficient monies in the general fund of the City to pay the costs of the Project and the Governing Body deems it necessary and advisable to issue general obligation bonds of the City pursuant to the Act in order to pay the costs of the Project, including retiring the KDHE Loan.

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable under the Act to provide for the issuance of general obligation bonds of the City to pay the costs of the Project, including the prepayment the KDHE Loan.

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

Section 1. Authorization of Project. The governing body of the City hereby ratifies the construction of the Project.

Section 2. Bond Authorization. The Governing Body hereby authorizes the issuance of general obligation bonds (the “Bonds”) to: (a) finance the costs of the Project, including prepaying the outstanding portion of the KDHE Loan; and (b) pay costs of issuance associated therewith.

Section 3. Reimbursement. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 4. Effective Date. This Resolution shall be in force and take effect from and after its adoption.

ADOPTED AND APPROVED by the governing body of the City of Osawatomie, Kansas, on December 9, 2021.

(Seal)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 943 of the City of Osawatomie, Kansas adopted by the governing body on December 9, 2021 as the same appears of record in my office.

DATED: December 9, 2021.

Clerk



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	
	Date:	December 9, 2021
Building Official	From:	Ed Beaudry

RE: Resolution 944 -- New Construction Building Incentive for 2022.

RECOMMENDATION: That the City Council approve Resolution 944 – A Resolution directing staff to reduce the cost of Building permits and planning fees by 40%.

DETAILS: It’s important for the City, in order to ensure future growth to establish some incentives to bring in new homes, and the possibilities for new businesses. This new construction building incentive will give new home builders a 40 percent reduction in permit fees and planning fees. This reduction would be based on the total square footage of the primary structure.

Currently the City of Osawatomie fees for construction are;

Building permits-\$.40 per square foot,

Electrical permit \$55.00

Plumbing Permit \$55.00

Mechanical Permit \$55.00

Planning Review fees-\$50.00 minimum up to \$150.00, based on \$50.00 per hour, or actual cost of a third-party review, if necessary;

For example, the current permits and planning fees for a new 1800 square foot home would cost \$1035.00 plus the cost of the electrical service, **Under the new construction Incentive;** the cost of the permits, and plan review would be \$846.00 plus the cost of the electrical service.

*City staff are recommending that all new construction electrical services be underground if possible.

COUNCIL ACTION NEEDED: Discuss and consider. Provide direction to staff.

STAFF RECOMMENDATION TO COUNCIL: Approve the extension of the New Construction Building Incentive.

RESOLUTION NO. 944

NEW HOUSING CONSTRUCTION INCENTIVE PROGRAM

A Resolution authorizing a New Housing Construction Incentive Program for the City of Osawatomie. This incentive is to provide the community with a long-term increase and stabilization of the property tax base and increase the supply of housing by encouraging the construction of new homes which might not otherwise occur. The Program is designed to encourage the construction of new homes within the corporate limits of the City of Osawatomie. The Program is a temporary reduction of building permit fees for new residential construction.

WHEREAS, a “New Housing Construction Incentive Program” promotes residential growth; and

WHEREAS, the Governing Body shall at least annually review prior to the next fiscal year’s budget all incentive packages.

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

PROGRAM

Under the New Housing Construction Incentive Program, fees associated with new home construction will be reduced as follows: Homes with construction value of \$100,000 and above will receive a 40% reduction of building permit fees, and a 40% reduction of plan review fees.

ELIGIBILITY

Eligibility for this program is as follows:

1. This incentive is valid until December 31, 2022;
2. All ad valorem property taxes and special assessments, if any, on the property for which the application is submitted may not be delinquent. If any ad valorem property taxes and any special assessments are delinquent, the property will not be eligible for the program until such time as all taxes and special assessments due and owing are paid in full and proof thereof is provided to the City of Osawatomie;
3. The minimum construction valuation must be no less than \$100,000 as determined and approved on the building permit application;
4. Single family residential structures are eligible for the program;

5. Construction must be completed within the standard 180-day construction window;
6. All curb cut regulations and fees still apply;
7. Renewals, shall be at the discretion of the City Council; and considered on an annual basis.

AMENDMENT OR REPEAL

This Program may, at any time after adoption, be amended, supplemented, or repealed by a majority vote of the Governing Body.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once each week for two consecutive weeks on the same day of each week with at least thirty days between the last publication and the date set for the hearing herein.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be mailed by certified mail within three days after its first publication to each owner, owners' agent, lienholder and occupant and other party in interest at the last known address marked "deliver to addressee only."

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 9th day of December, 2021, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea, Mayor

(SEAL)

Tammy Seamands, City Clerk

ATTEST:



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.E
	Date:	December 7, 2021
City Manager	From:	Mike Scanlon

RE: Resolution 945 – Resolution of the City of Osawatomie, Kansas Reestablishing the Tourism Committee and modifying powers and responsibilities.

RECOMMENDATION: That the City Council review Resolution 945 and provide any comments or changes they feel appropriate and direct the City Manager to bring it back for final consideration on January 27, 2022.

DETAILS: By Charter Ordinance we have established a Tourism Committee. By Resolution 669 powers and responsibilities were delegated. Resolution 936 directs the City Manager to implement four organizational and community realignment steps on of which was the creation of four signature events and the reestablishment and appointment of a Tourism Committee.

RESOLUTION NO. 945

**A RESOLUTION REESTABLISHING THE
TOURISM COMMITTEE AND MODIFYING
POWERS AND RESPONSIBILITIES.**

WHEREAS, Osawatomie Charter Ordinance No. 10 authorizes a transient guest tax levy of up to six percent upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations to provide funding for the promotion of tourism in Osawatomie; and

WHEREAS, Osawatomie Charter Ordinance No. 15 exempts the City of Osawatomie from the provision of K.S.A. 12-1695, which relate to the Tourism Committee, providing substitute provisions on the same subject, and repealing all ordinances or parts of ordinances in conflict therewith and repealing Charter Ordinance No. 7; and

WHEREAS, Resolution 669 establishing the Tourism Committee and delegating powers and responsibilities has never been implemented since its passage in June 2013; and

WHEREAS, Resolution 936 directs the City Manager to implement the four organizational and community realignment steps outlined in the Document “Osawatomie 4.0 -- Downtown;” and

WHEREAS, the input of citizens, business owners, and other individuals in the community is important to creating a comprehensive strategy for the promotion and marketing of Osawatomie to visitors and citizens alike;

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

SECTION ONE: There is hereby created a committee of the City to be known as the Tourism Committee.

SECTION TWO: In accordance with the Governing Body’s policies on the appointments to advisory bodies, the Governing Body shall appoint seven members to the Committee. The Tourism Committee shall consist of at least one representative from each of the Signature Events. Each member shall be a resident, property owner, business owner/operator in the 66064 zip code. The Committee’s membership shall also include three ex-officio members: one Council member, who shall be appointed as a liaison, the City Manager, or his or her designee, and the Executive Director of the Osawatomie Chamber of Commerce.

RESOLUTION NO. 945 — continued

Page 2

Each Committee member shall be appointed to a term of two years; provided, that of those first appointed to the Committee, four shall have a term expiring at the end of 2023 and three shall have a term expiring at the end of 2024. Following initial appointment, members shall serve a term of two years beginning on January 1 of the appointed year.

In the case of a vacancy on the Committee, it shall be filled by appointment for the unexpired term only and according to the resolution on advisory board appointments RESOLUTION 664. Committee members shall serve until resignation or replacement on the Committee.

SECTION THREE: The Committee shall meet at least four times per year, or more often as deemed necessary by the Committee Chairman or at least three of the Committee members. The Committee will meet with the Signature Event sponsoring committees at least twice a year (one meeting previous to the event and at one meeting post event). The Committee shall also meet when called upon by the City Council or City Manager to consider a special issue.

Within the guidelines of the Governing Body’s resolution for advisory bodies, the Committee shall choose its own officers, determine the time and place for its meetings. And follow the model meeting code known as the “Code of Procedure for Kansas Cities,” Third Edition (2017). The Committee shall also provide the City Clerk with adequate notice of the date and time of its next meeting and agenda and with copies of the minutes of its proceedings. A majority of its duly appointed committee shall constitute a quorum for the transaction of its business.

The role of the Tourism Committee shall include (1) provide support to Signature Event Committees (2) make recommendations to the Governing Body on tourism and marketing policies; (3) assist in developing a strategic tourism and marketing plan for the City; (4) review and make recommendations on the expenditure of transient guest tax revenues collected by the City; (5) provide input and review of the City Manager’s submitted budget related to signature events which shall occur annually before July 1st.

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

RESOLUTION NO. 945 — continued

Page 3

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas this 27th day of January, 2022, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Nick Hampson

Mayor

(SEAL)

ATTEST:

Tammy Seamands

City Clerk



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.F
	Date:	December 7, 2021
City Manager	From:	Mike Scanlon

RE: Resolution 946 – A Resolution relating to the review and acceptance of City Council Policies 101 through 107.

RECOMMENDATION: Approve Resolution 946 relating to the review and acceptance of City Council Policies 101 through 107.

DETAILS: Council Policies should be reviewed at the end of every calendar year so that City Council has an annual opportunity to review, amend, or rescind previously passed policies. The typical routine would be start review at the first December meeting take any recommended changes and comments and bring suggested changes back for City Council consideration at the first meeting in January of the following year.

RESOLUTION NO. 946

BY THE CITY OF OSAWATOMIE, KANSAS

A RESOLUTION RELATING TO THE REVIEW AND ACCEPTANCE OF CITY COUNCIL POLICIES 101 THROUGH 107.

WHEREAS, the City of Osawatomie through its City Council established City Council Polices 101 through 107; and

WHEREAS, the City Council through the adoption of Resolution 787 agreed to a regular review of said policies the last review being conducted in 2020 and recognized in Resolution 834; and

WHEREAS, the policies have been provided to the City Council for their review during the month of December.

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

SECTION ONE: That the City Council will during the month of December review current City Council Policies and recommend changes to City Staff by January 13th for consideration at the January 27th City Council meeting.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 9th day of December, 2021, a majority voting in favor of.

APPROVED and signed by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk

City Council Policy Manual

101 Budget Amendments

102 Expenditure Authorization

103 Funeral Gifts and Memorials

104 Tax Increment Financing Policy

105 Cell Phone Policy

106 Recognition of Retirees

107 naming of Public Spaces

108 Internet Policy

109 Food Truck Program

110

111

112

113

114

115

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 101

Budget Amendments

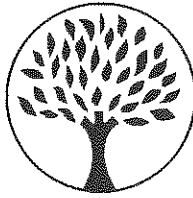
1.01 It shall be the policy of the City of Osawatomie to authorize budget amendments as follows:

- a. Budget amendments between line items within the same object classification (account groupings such as "Personal Services" or "Contractual Services") may be approved by the City Manager.
- b. Budget amendments between line items outside of the same object codes but within the same department budget shall be approved by the City Manager and ratified by the City Council.
- c. Budget amendments between departments shall be approved by the City Council upon the recommendation of the City Manager.
- d. Budget amendments between funds shall follow the standard process in conformance with State Statutes.

1.02 No purchases which exceed budget authority as amended through the process described above shall be authorized for payment.

APPROVED BY THE GOVERNING BODY ON MAY 28, 2020

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 102

Expenditure Authorization

- 1.01 Department heads are hereby authorized to spend according to their approved budget, exclusive of all capital equipment purchases greater than \$2,500, which must be approved by the City Manager. For purposes of this policy, the term "City Manager" may also refer to his/her designee.
- 1.02 The City Manager is authorized to spend according to the Citywide approved budgets and annual 10-Year Major Equipment Replacement Schedule. It is the responsibility of the City Manager on all capital equipment purchases over \$2,500 and under \$10,000 to solicit bids or quotes and on all capital equipment purchases over \$10,000 to solicit written bids and make the purchase on the lowest and/or best bidder. In the case of an emergency, the City Manager is authorized to expend funds from the City's General Fund Contingency Account without obtaining bids or quotes.
- 1.03 A listing of all purchases will be presented in the Monthly Appropriations Report to the City Council and will be available to the public in the City Clerk's Office.
- 1.04 For all capital equipment purchases over \$2,500 that are not part of the approved budget or annual 10-Year Major Equipment Replacement Schedule the City Manager shall cause bids to be solicited, and shall forward the purchase recommendation to the responsible City Council committee for action by the Committee and the City Council.
- 1.05 For all bids awarded by the City Council it will be the responsibility of the City Manager to make the appropriate expenditures in accordance with the bid approved by the City Council.
- 1.06 The City Manager has the authority to approve change orders related to a Capital Improvement Project up to a cumulative total of 2% of the bid or proposal and less than \$20,000. The City Manager at the time a project is bid can request that the City Council grant a waiver to this Policy. This waiver will only be granted if a Resolution establishing a new maximum amount is presented to the City Council for consideration and passed by a majority of the Governing Body.

APPROVED BY THE GOVERNING BODY ON JULY 9, 2020

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomiaks.org
www.osawatomiaks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 103

Funeral Gifts and Memorials

- 1.01 It shall be the policy of the City of Osawatomie to donate gifts upon the death of an employee, elected official, appointed official, or any related family member.
- 1.02 Family member shall be based on the definition proved in the City of Osawatomie's Personnel Policy.
- 1.03 Gifts shall not exceed \$75.00 and will be paid out of the General Fund Administration account.
- 1.04 The Mayor has the authority to expand the definition of this policy and donate gifts to other civic leaders and their family members.
- 1.05 Persons wishing to install memorials in City-owned public spaces must adhere to specified memorial regulations regarding size, installation location, type of memorial, etc., which will be submitted to the City Manager, or his/her designee, for approval.
- 1.05 The City Council will on a bi-annual basis review this policy to ensure that the gift amount is appropriate.

APPROVED BY THE GOVERNING BODY ON JULY 9, 2020

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 104

Tax Increment Financing Policy

1.01 OBJECTIVES

The purpose of this Policy is to establish the official position and procedures of the City of Osawatomie, Kansas, for considering applications for Tax Increment Financing ("TIF") used for economic development and redevelopment purposes in accordance with the provisions of K.S.A. 12-1770 through 12-1780.

1.02 SCOPE

The City recognizes that the proper use of Tax Increment Financing can promote, stimulate and develop the general and economic welfare of and quality of life in the City. The City is committed to the high quality and balanced growth and development of the community; to preserving the City's unique character and distinctive atmosphere; and to revitalizing and redeveloping areas of the City. Although the City does not encourage the practice of subsidizing private businesses with public funds, insofar as the City's objectives are substantially advanced by the expansion of the tax base and enhancement of the local economy, the City will consider, on a case-by-case basis, the approval of TIF projects where, but for the availability of TIF, such projects would not be economically viable. It is the policy of the City that any decision regarding the approval of TIF projects will be made in accordance with the guidelines, criteria, and procedures outlined in this Policy. Nothing herein shall imply or suggest that the City be under any obligation to approve a TIF project for any applicant.

1.03 DEFINITIONS

For the purpose of this Policy, the words or phrases as used in either the Kansas Constitution, applicable State statutes, or this Policy shall have meaning or be construed as follows:

Applicant: The individual or business and its officers, employees, and agents requesting approval of the TIF Project.

Associated Therewith: As used with respect to tangible personal property shall mean being located within, upon, or adjacent to buildings or added improvements to buildings.

Blighted Area: An area of real property qualifying as such, in the opinion of the Governing Body, pursuant to K.S.A. 12-1771.

Feasibility Study: A comprehensive study, prepared as required under K.S.A. 12-1771, which shows the benefits derived from the TIF Project will exceed the costs and the income therefrom will be sufficient to pay for the Project.

Redevelopment Plan: A description of a TIF Project, which includes the requirements of K.S.A. 12-1772.

TIF District: An area determined to be a redevelopment district by the Governing Body pursuant to the requirements of K.S.A. 12-1771.

TIF Project: The improvements to real property for which Tax Increment Financing has been approved.

Tax Increment: The difference between the amount of *ad valorem* property taxes assessed against the TIF District prior to the completion of the TIF Project and the amount of *ad valorem* property taxes assessed against the TIF District after completion of the TIF Project. For example, if the taxes assessed prior to completion of the TIF Project were \$5,000, and the taxes assessed after the completion of the TIF Project were \$50,000 annually, the "tax increment" would be \$45,000.

1.04 PROVISIONS

A. Legal Authority

Pursuant to K.S.A. 12-1771, the City may create TIF Districts in blighted areas, conservation areas, and enterprise zones created pursuant to K.S.A. 12-17,110. Certain costs of improvements within the TIF District may be reimbursed to the developer or paid through the issuance of special obligation bonds or full faith and credit bonds. Funds to pay the reimbursement or to retire the bonds are generated by the tax increment and other sources that may be pledged by the City. This authority is discretionary and the City may provide for Tax Increment Financing in an amount and for the purposes more restrictive than that authorized by statute.

No privately owned property shall be acquired and redeveloped under the provisions of the Act if the Miami County Board of Commissioners or the Board of Education levying taxes on property proposed to be included in the TIF District determines that the proposed TIF District will have an adverse effect on such county or school district.

B. Eligible TIF Expenses

The Act specifies permissible TIF expenses, including:

- a. Acquisition of property within the TIF Project area;
- b. Payment of relocation assistance;
- c. Site preparation;
- d. Sanitary and storm sewers and lift stations;
- e. Drainage conduits, channels and levees;
- f. Street grading, paving, graveling, macadamizing, curbing, guttering and surfacing;
- g. Street lighting fixtures, connection and facilities;
- h. Underground gas, water, heating, and electrical services and connections located within the public right-of-way;
- i. Sidewalks and pedestrian underpasses or overpasses;
- j. Drives and driveway approaches located within the public right-of-way;
- k. Water mains and extensions;
- l. Plazas and arcades;
- m. Parking facilities, including parking structures;
- n. Landscaping and plantings; fountains, shelters, benches, sculptures, lighting, decorations and similar amenities; and
- o. All related expenses to redevelop and finance the Redevelopment Project

The costs of construction of buildings or other structures to be privately owned are not eligible TIF expenses.

C. Bond Authority

The City may use proceeds of special obligation bonds or full faith and credit tax increment bonds to finance the undertaking of a redevelopment project, as provided in K.S.A. 12-1774. The maximum maturity of any such special obligation bonds or full faith and credit tax increment bonds shall be twenty (20) years. The City may also issue industrial revenue bonds or private activity bonds to benefit a developer located within a TIF District.

1. Special Obligation Bonds

The City may issue special obligation bonds to finance permissible expenses of the TIF District. Such bonds shall be payable, both as to principal and interest: (1) from property tax increments allocated to, and paid into a special fund of the City; (2) from revenues of the City derived from or held in connection with the undertaking and carrying out of any Project; (3) from private sources, contributions or other financial assistance from the state or federal government; (4) from the increased franchise fees and city sales tax; or (5) from any combination of these methods.

Special obligation bonds are not general obligations of the City, nor in any event shall they give rise to a charge against its general credit or taxing powers or is payable out of any funds or properties other than those sources set forth above. Should the annual increment fall short of the amount necessary to pay the principal and interest of the special obligation bonds issued under this Policy, the remaining amount payable is the responsibility of the applicant, not the City.

If a special obligation bond issued under this Policy is offered to the public, an investment grade rating must be assigned to the issue; if the bond is privately placed, it may be issued without a rating, but must be sold to an accredited investor as that term is defined by securities industry standards.

2. Revenue Bonds

Industrial revenue bonds may be issued by the City pursuant to K.S.A. 12-1740 *et seq.* to benefit a developer within the TIF District. All state law benefits associated with such bonds shall be available, except that no *ad valorem* tax abatement shall be available.

D. Reimbursement Authority

Pursuant to Attorney General Opinion 96-45, TIF can be used to reimburse a developer for eligible TIF expenses as opposed to issuing bonds; this is the preferred method of granting TIF benefits. Under this method, the City agrees to reimburse the developer for eligible TIF expenses over a period of time not to exceed twenty (20) years with interest on the outstanding reimbursement amount. The reimbursement amount and interest is paid solely from all or a portion of the tax increment, and the developer takes the risk that the portion of the increment pledged for reimbursement will be insufficient to retire the eligible TIF expenses and interest.

E. Amount of Tax Increment Financing Available

1. Criteria

The primary objectives of the City in granting TIF for economic development are: (a) promote, stimulate and develop the general and economic welfare of the citizens of Kansas and the City; (b) promote the general welfare of the citizens of Kansas the City through assisting in the development, redevelopment, and revitalization of central business areas, blighted areas, conservation areas, and environmentally contaminated areas located within the City; (c) create new jobs and retain existing jobs; and (d) expand the economic and tax base of the City. The City recognizes that a simple system of determining the amount of TIF to be granted in order to reach these objectives may not always be equitable if applied uniformly to different kinds of redevelopment plans. As a result, in determining the actual amount and duration of TIF to be granted, the City shall consider the factors and criteria set forth in this Policy under the Analysis of Costs and Benefits, as well as the amount and duration of previous TIF Projects supported by the City.

2. Capital Investment

To be considered for TIF, an individual or business should be making a minimum capital investment in the City of \$5,000,000.00. The term "capital investment" means the acquisition cost of land, buildings and tangible personal property constituting capital assets for accounting purposes. The minimum amount of capital investment required for TIF Projects, as provided herein, may be waived by the City based upon the unique nature of the project as determined by the Governing Body.

F. Analysis of Costs and Benefits

Prior to granting TIF, the City shall prepare, or direct to be prepared, a cost benefit analysis examining the costs and benefits to the public of the proposed TIF Plan. The Cost-Benefit Analysis shall be performed on a model approved by the City and shall be in addition to the Feasibility Study. The cost of preparing the Cost-Benefit Analysis shall be paid by the applicant. This cost will be in addition to the application fee required under this Policy. The City shall use the Cost-Benefit Analysis to assist in its decision-making process, but the results of the analysis will not be determinative or obligate the City to any course of action. The Cost-Benefit Analysis shall consider, but not be limited to, the following factors, as applicable:

1. The market value of the applicant's investment in real and personal property;
2. The property tax, sales tax, franchise fees, transient guest tax, and other tax and revenue that may result and directly benefit the City;
3. The number and average employee salary of full-time equivalent jobs that will be created;
4. The expenditures that local government will need to make to provide streets and utilities, police and fire protection, and other services as a result of the TIF Project;
5. The expenditures for police and fire protection, recreation, street maintenance, social programs, etc., for the new residents associated with the TIF Project;
6. The expenditures for public capital investments (library, streets, etc.) for the new residents associated with the TIF Project;
7. The expenditures by the local school district(s) to provide the facilities and to educate the students of the new residents associated with the TIF Project;
8. Other public or private expenditures associated with attracting a new business;
9. The kinds of jobs created in relation to the types of skills available from the local labor market;

10. The degree to which the ultimate market for the applicant's business products and services is outside the community, recognizing that outside markets infuse "new money" to the local economy;
11. The potential of the applicant's business for future expansion and additional job creation;
12. The indirect costs and benefits the applicant's business may have by creating other new jobs and businesses, including the utilization of local products or other materials and substances in manufacturing;
13. The compatibility of the location of the applicant's business with land use and development plans of the City and the availability of existing infrastructure facilities and essential public services;
14. An evaluation of the applicant's current and projected financial strength and market viability;
15. The number and average employee salary of full-time equivalent jobs that will be retained in the City, community, or State as a result of the applicant's decision to locate or remain in the City; and
16. The value added, including tangible costs and benefits such as City reputation, congestion, environment, and quality of life to the City and community as a result of the unique nature of the applicant's business.

G. Application of "But-For" Principle

All TIF applications shall be considered in light of the "but-for" principle, i.e., the TIF must make such a difference in the decision of the applicant that the Project would not be economically feasible but for the availability of the TIF. The Governing Body does not encourage the subsidy of private businesses with public funds, the indirect consequence of TIF, unless some measurable public good results, as determined by the City, and the public subsidization can reasonably be expected to make a significant difference in achieving one or more objectives of the City. The Governing Body shall also review the Internal Rate of Return to make sure that TIF revenues are necessary in achieving a rate of return commensurate with the risk and size of the project.

H. Unfair Competition

In reviewing TIF proposals, the Governing Body shall consider whether or not such financing is likely to create an unfair advantage for the applicant over any existing competing business within the City.

I. Distribution of *Ad Valorem* Taxes

All tangible taxable property located within a TIF District shall be assessed and taxed for *ad valorem* tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all *ad valorem* taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected.

Some or all of the increment in ad valorem property taxes resulting from a redevelopment district may be apportioned by the City to a special fund for the payment of the eligible TIF expenses of the TIF Project, including reimbursement or the payment of principal and interest on any special obligation bonds or full faith and credit tax increment bonds issued.

J. Condemnation

The use of condemnation, permitted under K.S.A. 12-1773, will be considered by the Governing Body only upon a finding that the applicant has attempted, in good faith, to acquire the property privately. In the event condemnation is approved by the Governing Body, the applicant shall be responsible for all costs associated with the proceedings, including court or litigation costs, attorney's fees and the final condemnation awards made.

K. Waiver of Requirements

The Governing Body reserve the right to grant or deny TIF for the development or redevelopment of a District under circumstances beyond the scope of this Policy, or to waive any procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the Governing Body that a compelling or imperative reason or emergency exists, and that such action or waiver is found and declared to be in the public interest. The Governing Body shall not waive any procedural requirement of State Law.

1.05 PROCEDURES

The following basic procedures shall govern the approval of TIF Projects within the City. All requests for Tax Increment Financing shall be considered and acted upon in accordance with this Policy.

A. Proposal

The applicant shall apply for approval of a TIF Project by filing with the Public Works Department five (5) copies of a written proposal on a form provided by the Public Works Department. The proposal shall include, but is not limited to: (a) a proposed comprehensive plan that identifies all the proposed redevelopment project areas and that identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each redevelopment project area; (b) description and map of the proposed redevelopment district; (c) description of the proposal boundaries of the redevelopment district; (d) information regarding expected capital expenditure by the applicant; and (e) a proposal for development assistance. The Public Works Department shall retain one copy and distribute the remaining copies to: City Manager, City Attorney, City Clerk and City Treasurer. The City will consider full and complete proposals, and additional information as may be requested by the Governing Body. Any inaccuracy, misstatement of or error in fact may render the proposal null and void and may be cause for the repeal of any development assistance rendered through the TIF statutes granted by the City in reliance upon said information.

B. Proposal and Renewal Fees

All proposals shall be accompanied by an application fee of \$5,000. This fee is in addition to other fees which may be required by the City, including fees for the issuance of tax exempt or taxable bonds, costs incurred for preparation of the Feasibility Study as required by K.S.A. 17-1771, costs associated with the Cost and Benefit Analysis required by the City and costs incurred, if any, for review and work done by the City's Financial Advisor and Bond Counsel. Actual costs incurred for review shall be billed by the City Clerk for payment within thirty (30) days of the review process.

C. Initial Review Procedure

On receipt of the completed proposal and the required fee, the City Manager shall determine whether the proposal is complete and sufficient for review. If the proposal is complete, the City Manager shall immediately notify the applicant of the need for such changes or additions as

deemed necessary. The matter shall then be referred to the City Attorney for a decision as to whether the proposed area of a redevelopment meets the requirements of a redevelopment district, as described under K.S.A. 12-1771. The City Manager shall notify the Finance Committee of the Governing Body, if the proposal is found complete and is for a purpose, which appears to be authorized by law.

D. Review by Finance Committee

The Finance committee ("Committee") shall review requests and applications for TIF, evaluate the proposed TIF District and verify that redevelopment is necessary to promote the general and economic welfare of the City, gather and review such additional information as may be deemed necessary to determine if the applicant meets the objectives of this Policy, conduct preliminary discussions with the applicant, discuss terms of an agreement to be drafted by the City Attorney or his/her designee for Governing Body consideration and to recommend to the Governing Body whether the proposal should be favorably considered. In reviewing the information, the Committee may utilize the services of consultants, including but not limited to bond counsel and financial advisors. Committee records, including proposals submitted for TIF, may be withheld from public disclosure as provided under the Kansas Open Records Act, but shall be available for public inspection when otherwise required by law.

E. Governing Body Action

1. Reviewing and Establishing the TIF District

Upon receiving the recommendation of the Committee, the Governing Body shall determine whether to reject the TIF proposal or to further consider the request. Upon a favorable vote for further consideration, the Governing Body shall take action to establish a TIF District, unless such District is already in existence. The Governing Body must conclude that redevelopment of the proposed area is necessary to promote the general and economic welfare of the City. If such a finding is made the Governing Body may adopt a resolution.

A. TIF District Resolution

The resolution shall state that the City is considering the establishment of a TIF District; additionally, it shall: (1) give notice that a public hearing will be held to consider the establishment of a redevelopment district and to fix the date, hour and place of such hearing; (2) describe the proposed boundaries of the redevelopment district; (3) describe a proposed comprehensive plan that identifies all of the proposed redevelopment project areas and that identifies in a general manner all of the buildings and facilities that are proposed to be constructed or improved in each development project area; (4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated; and (5) state that the Governing Body will consider findings necessary for the establishment of a redevelopment district.

No elected or appointed officer, employee or committee of the City, and no Chamber of Commerce, Board, Development Council, or other public or private body or individual, shall be authorized to speak for and commit the Governing Body to the provision of TIF, nor to the establishment of TIF District. Such resolution shall be an expression of good faith intent, but shall not in any way bind the City to establishing a TIF District.

B. Notice and Hearing

No TIF District shall be established, nor TIF granted, by the City prior to notice and a public hearing as required by K.S.A. 12-1771. Upon request, the City Clerk shall provide any public agency with a copy of the proposal and a description and map of the proposed TIF District. The applicant or his/her designee is required to attend the public hearing.

C. Establishing the TIF District

Upon the conclusion of the public hearing and determination by Osawatomie City Attorney that the proposed area complies with K.S.A. 17-1771, the Governing Body may establish the TIF District by ordinance. Any addition of area to the TIF District or any substantial change to the comprehensive plan shall be subject to the same procedure for public notice and hearing as is required for the establishment of the District.

2. The Redevelopment Project

The Governing Body and the Planning Commission will consider the redevelopment project as proposed. Together, they will prepare a redevelopment plan. The Planning Commission must determine that the Plan is consistent with the comprehensive general plan for the development of the City.

A. Redevelopment Plan

The redevelopment plan shall include: (1) a summary of the Feasibility Study; (2) a reference to the redevelopment district that identifies the redevelopment project area that is set forth in the comprehensive plan that is being considered; (3) a description and map of the area to be redeveloped; (4) the relocation assistance plan, as required by K.S.A. 17-7777; (5) a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and (6) any other information the Governing Body deems necessary to advise the public of the intent of the Plan.

A copy of the redevelopment plan shall be delivered to the Miami County Board of Commissioners and the Board of Education of any school district levying taxes on property within the proposed redevelopment project area. Upon a finding by the Planning Commission that the redevelopment plan is consistent with the comprehensive general plan for the development of the City, and determination by the Governing Body that said Plan shall be further considered, the Governing Body will or may adopt a resolution.

B. Redevelopment Plan Resolution

The resolution shall state that the Governing Body is considering the adoption of the Plan. Such resolution shall: (1) give notice that a public hearing will be held to consider the adoption of the redevelopment plan and fix the date, hour and place of such public hearing; (2) describe the boundaries of the TIF District within which the redevelopment project will be located and the date of establishment of such a district; (3) describe the boundaries of the area proposed to be included within the TIF Project area; and (4) state that the redevelopment plan, including a summary of the Feasibility Study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped are available for inspection during regular office hours in the office of the City Clerk.

Where the Governing Body determine that it will or may issue full faith and credit tax increment bonds to finance the redevelopment project, in whole or in part, the resolution shall also include notice thereof.

The date fixed for the hearing shall be no less than 30 or more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

3. Hearing

At the public hearing, a representative of the City shall present the City's proposed redevelopment plan. Following the presentation of the Plan, all interested persons shall be given an opportunity to be heard. The Governing Body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

Following the public hearing, the Governing Body may adopt the redevelopment plan by ordinance passed upon a 2/3 vote. Any substantial changes to the Plan as adopted shall be subject to public hearing.

No full faith and credit bonds or special obligation bonds may be issued until the sixty-day protest period expires after the date of the public hearing.

F. Acquisition of Land

The City may proceed to acquire property within the TIF District by purchase or eminent domain (with 2/3 vote of the Governing Body) and implement the Plan. However, the City may not exercise eminent domain in conservation areas.

1.06 Responsibility for Enforcement

The City Manager shall be responsible to the Governing Body for the enforcement of this Policy.

REFERENCES

K.S.A. 12-1770 through 12-1780; 12-17,110; and 12-1740.

APPROVED BY THE GOVERNING BODY ON _____, 20__

**CITY OF OSAWATOMIE
439 MAIN ST.
OSAWATOMIE, KANSAS 66064
(913) 755 - 2146**

APPLICATION FOR TAX INCREMENT FINANCING

(Applicant may attach supplemental documents to the application rather than typing the answers on the form below. The supplemental documents shall be in the same order as requested below.)

A. Project:

- 1. Business Name _____
- Address _____
- Telephone # _____
- Fax # _____
- Contact Person _____

2. Brief description of business.

3. Names and addresses of the principal owners, officers, and directors of the firm requesting the Tax Increment Financing.

4. Legal description, address, parcel IDs, and size of project site.

5. Proposed Project: Description of building(s) including square footage, materials, proposed use, etc. Attach site plan if available.

6. If property is to be subdivided, describe division planned.

7. Estimated Project Costs: (Please enclose construction pro forma, if available)

- a. Land Acquisition \$ _____
 - b. Public Improvements _____
 - c. Site Improvements _____
 - d. Demolition _____
 - e. Building(s) _____
 - f. Equipment _____
 - g. Architectural & Engineering Fees _____
 - h. Legal Fees/Other Consulting Fees _____
 - i. Financing Costs _____
 - j. Contingencies _____
 - k. Other _____
 - l. Other _____
- TOTAL: \$ _____

8. Source of Financing

- a. Equity \$ _____
 - b. Bank Financing _____
 - c. Tax Increment Assistance _____
 - d. Other _____
 - e. Other _____
- TOTAL: \$ _____

9. Form of tax increment financing requested: _____ Pay-as-You-Go or
_____ Bonds.

10. Name and address of architect, engineer and general contractor

11. Project Construction Schedule

- a. Construction Start Date _____
- b. Construction Completion Date _____
- c. If phased project:

_____ Year	_____ % Complete
_____ Year	_____ % Complete

12. Total estimated market value of project upon completion \$ _____

13. Estimated real estate taxes generated by project upon completion (Please show calculations)

14. Projected number of new jobs created:

- _____ Full-time
- _____ Part-time
- _____ Seasonal

B. Tax Increment Financing Request

1. Describe the amount and purpose for which tax increment financing is required.

2. Statement of necessity for use of tax increment financing for project.

3. Specify below any other data or information you deem pertinent for the City's consideration in this application:

4. If requesting bonds, please attach two complete sets of the following items to the application:

- a. Certified copies of the applicant's financial audits for the past three years
- b. Applicant's most recent annual or quarterly financial report

5. Applicant acknowledges and agrees that all fees and expenses incurred in connection with this application or establishment of the TIF project, whether or not approved, will be paid by the

Applicant. The Applicant shall hold the City, its officers, consultants, attorneys and agents harmless from any and all claims arising from or in connection with the Project, including but not limited to any legal or actual violations of any State or Feder securities laws.

Applicant agrees and understands that a **non-refundable application fee of \$5,000** to the City of Osawatomie must be submitted with this application.

Partial completion of this application is permitted, however, prior to the adoption of the TIF agreement, the remaining supplementary information to complete this application must be furnished. Additional information may be required by the City's Attorney, Bond Counsel, or Financial Advisor.

It is understood and agreed the information required in this application or any other information will be disclosed to the City's financial team and may be disclosed to the public.

Applicant recognizes and agrees that the City reserve the right to deny any Application for Tax Increment Financing at any state of the proceedings prior to adopting the resolution approving the district, that the Applicant is not entitled to rely on any preliminary actions of the City prior to the final resolution, and that all expenditures, obligations, costs, fees or liabilities incurred by the Applicant at its sole risk and expense and not in reliance on any actions of the City.

The undersigned, a duly authorized representative of the Applicant hereby certifies that the foregoing information is true, correct and complete as of the date hereof and agrees that the Applicant shall be bound by the terms and provisions herein.

DATE: _____

APPLICANT: _____

BY: _____

ITS: _____

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 105

Cell Phone Policy

- 1.01 The City of Osawatomie strives to provide its employees with electronic equipment and communication tools to facilitate the efficient and effective fulfillment of job responsibilities.
- 1.02 It shall be the policy of the City of Osawatomie to issue employees a mobile phone device or to offer a monthly mobile phone stipend in the place of a city issued cell phone to allow efficient and cost-effective execution of City business.
- 1.03 All City-issued mobile phones are subject to the approval of Department Heads and will remain City property at all time
- 1.04 All monthly mobile phone stipends are subject to the approval of Department Heads.
- 1.05 The amount of the mobile phone stipend is \$40 per month and will be paid through the payroll system as a taxable benefit. This rate is administered and overseen by the Finance and Human Resources departments and will be reviewed yearly.
- 1.06 Employees are required to provide the department head the phone number for any City-issued mobile phone or mobile phone which a stipend is received.
- 1.07 Employees are required to have any City-issued mobile phone or mobile phone which a stipend is received with them and on during their assigned shift.
- 1.08 Employees must log in to the phone with at least one method: a password, pass-code, pattern, and/or biometric measure (fingerprint, face scan). Employees who fail to meet requirements to secure and maintain the cell phone may be subject to disciplinary action.
- 1.09 Any accessories and/or special features, other than a City-issued protective case for City-issued phones will be at the employee's expense. All repairs, maintenance, loss of cell phone and/or accessories will generally be the responsibility of the City for City-issued phones.. Employees may, however, be liable for costs of replacement or other expenses if it is determined that they did not use reasonable care and control to protect the device.

- 1.10 New phones, accessories and/or special features will be at the employee's expense when receiving a mobile stipend. All repairs, maintenance, loss of cell phone and/or accessories will be the responsibility of the employee when receiving a mobile stipend.
- 1.11 Records conducted on behalf of the city are subject to the Kansas Open Records act under KSA Section 45-402(d) and must be maintained as required.
- 1.12 Employees whose duties no longer require a city-issued phone or whose employment is terminated are required to surrender the phone to their Department Head or Human Resources.
- 1.13 If the Department Head authorizes usage of an application (or app) on a personally-owned device for which the employee has to sign in using credentials or accounts provided by the city, then upon separation from the City the employee may be required to show that they have logged out or removed the app from their device.
- 1.14 Employees will be required to sign a mobile device policy to certify that they have read and understand the policy.

APPROVED BY THE GOVERNING BODY ON SEPTEMBER 24, 2020

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomi, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

City-Issued Mobile Device Policy

The City of Osawatomi issues mobile phones to allow efficient and cost-effective execution of City business. Mobile phones and services will be acquired following the City's purchasing policies and procedures. All City-issued mobile phones are subject to the approval of Department Heads and will remain City property at all times.

The phone must be on and with you during your assigned shift.

Accessories and/or special features, other than a City-issued protective case, will be at the employee's expense. All repairs, maintenance, loss of cell phone and/or accessories will generally be the responsibility of the City. Employees may, however, be liable for costs of replacement or other expenses if it is determined that they did not use reasonable care and control to protect the device.

Employees must log in to the phone with at least one method: a password, passcode, pattern, and/or biometric measure (fingerprint, face scan). Employees who fail to meet requirements to secure and maintain the cell phone may be subject to disciplinary action.

Employees must keep updates current on the operating systems, applications, or other software on the mobile device.

Records conducted on a city device are subject to the Kansas Open Records act under KSA Section 45-402 (d) and must be maintained as required.

NO PERSONAL USE is allowed. The City reserves the right to inspect any data or content on any City-provided mobile device. Use of Pirated software or illegal content on a City-Issued device is strictly prohibited.

Employees whose duties no longer require a phone or whose employment is terminated are required to surrender the phone to their Department Head or Human Resources.

EMPLOYEE CERTIFICATION: I have read and understand the requirements of the City of Osawatomi City-Issued Mobile Device Policy and agree to adhere to them.

Employee Signature

Date: _____

Department Head: _____ Date: _____

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomiaks.org
www.osawatomiaks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 106

Recognition of Retirees

- 1.01 Upon the retirement of a City employee from City service, the City Council may recognize the retiree with a plaque and a ceremony at regular City Council meeting.
- 1.02 Other City employees or officials may host a ceremony for the retiring employee. For City employees with more than ten years of service to the City of Osawatomie, City funds up to \$200 may be used to host a retirement reception and/or purchase a gift. The City Manager may increase the amount of money allocated for the gift and reception based on a retiree's contribution and tenure with the City. For City employees with less than ten years of service to the City of Osawatomie, City funds will not be used for any recognition other than that expressly authorized by the City Council.
- 1.03 Other City employees leaving City service with proper notice and otherwise in good standing may be recognized in an appropriate manner with approval of the City Manager and/or the Mayor.
- 1.04 For Osawatomie Volunteer Fire Department employees with more than 20 years of service to the City of Osawatomie, City funds up to \$500 may be used to purchase a commemorative axe in recognition of their contribution.

APPROVED BY THE GOVERNING BODY ON 11-12, 2020

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 107

Policy Relating to the Naming of Public Places

NAMING OF CITY-OWNED PUBLIC BUILDINGS AND PROPERTIES

The City of Osawatomie will choose names for public buildings and property owned by the City of Osawatomie based on the building's or property's relationship to any of the following criteria:

- A. Neighborhood, geographic or common usage identification.
- B. Building's or property's purpose.
- C. A natural or geological feature.
- D. A historical figure or place.
- E. A deceased individual (minimum of one year) who has made a significant land, building, or monetary contribution to the City for the building or property being named.
- F. A deceased individual (minimum of one year) who has contributed outstanding civic service to the City.

NAMING OF CITY-OWNED PUBLIC BUILDINGS AND PROPERTIES - PROCEDURE

- A. Whenever the City or an individual wishes to consider naming a City-owned building or property, the issue shall be referred to the City Council to establish the specific process and to make a recommendation.
- B. Before taking action, the City Council shall provide an opportunity for public comment on the recommendation(s) from the Council.

1. NAMING OF INTERIOR FEATURES

- A. The interior features of a City-owned building may be named separately from the main building subject to the criteria and procedures set forth in this Policy.

2. NAME CHANGES

- A. Designation of a name shall not prohibit the renaming of the building or property at a future date, or the designation of a sunset for the name at the time of approval.

- B. Name changes shall be subject to the criteria and procedures set forth in this Policy.

NAMING OF PARKS AND PARK FACILITIES

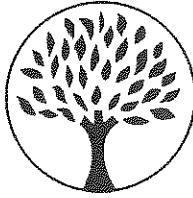
- A. It is the policy of the City to follow this procedure to establish names for parks and other park facilities.
- B. A working name for the park or park facility will be assigned by City of Osawatomie staff at the time of land purchase or donation. Suggested names will be historical, geographical, or the name of a boundary street.
- C. A permanent name for the park or park facility will be assigned at the time of the approval of the final park development.
- D. In naming parks and other park facilities, consideration shall be given primarily to:
 - 1. Neighborhood, boundary roads, or common usage identification;
 - 2. A natural or geographical feature;
 - 3. Significant historical events or cultural attributes;
 - 4. A historical figure;
 - 5. An individual (living or deceased) who has contributed outstanding civic service to the City or has been instrumental in acquiring or developing parks properties;
 - 6. A name chosen by an individual (living or deceased) who has made a significant land, and/or monetary contribution to the park system;
 - 7. Organizations having contributed to and influenced the betterment of the City.
- E. Parks and park facilities shall not ordinarily be named for living persons unless they have stipulated the name as a condition of donation.

NAMING OF PARKS AND PARK FACILITIES - PROCEDURE

- A. Suggestions for names for parks or park facilities shall be solicited from organizations, neighborhood residents, individuals, and the media. All suggestions, solicited or not, shall be acknowledged and recorded for consideration by City Staff.
- B. The City Council shall host a public hearing to provide an opportunity for public comment on name recommendations.
- C. City Staff will review names and make recommendations for the City Manager to present to the City Council.
- D. The department shall wait at least one year between receipt of a name proposal related to a current event before final recommendation of that name.
- E. Facilities shall be identified by the established name, and signs shall be maintained as a source of identity and civic pride.

APPROVED BY THE GOVERNING BODY ON 11-12, 2020

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 108

Policy Establishing Internet Policies for the City of Osawatomie, Staff Members, and Other Elected or Appointed Officials

- 1.01 The administration of the City's official website (www.osawatomieks.org) and other web resources, such as its social networking presence (e.g. Facebook, Twitter accounts, etc.) shall be shared by the City Manager, Director of Information Technologies, and the Public Information Officer.
- 1.02 The City Manager, Director of Information Technologies and the Public Information Officer may, at their choosing, appoint other designees to assist them in carrying out website updates and other administrative activities pertinent to the City's web presence.
- 1.03 City Councilmembers wishing to make changes, update information, or enact other modifications to the City's official website or official web accounts must submit their request in writing to the City Manager.
- 1.04 Councilmembers making a request for changes should include the following in their request:
 - A. Content to be posted, changed, or deleted;
 - B. A link or other pointer to the precise location where the change should be made;
 - C. The date by which content should be posted and removed;
 - D. Any relevant files, links, or accompanying media;
 - E. Any additional relevant information.
- 1.05 The City's official website and official web accounts shall be used solely for the purpose of disseminating information pertinent to the City and communicating with City residents.
- 1.06 No City Councilmember or Department Director shall create, modify, or delete internet accounts in the City's name or in a City Department's name on social networking or other websites except in consultation with the City Manager and Public Information Officer.
- 1.07 The City has a separate "Internet Comment" policy, which shall govern the posting of any comments on City-sponsored sites, and a "Comprehensive Social Media Policy for Employees and Elected or Appointed Officials" containing content standards for employees and other official representatives.

APPROVED BY THE GOVERNING BODY ON 4-8, 2021

CITY OF OSAWATOMIE
INTERNET COMMENT POLICY

City of Osawatomie social media site articles and comments containing any of the following forms of content shall not be allowed:

- a. Comments not topically related to the particular article or content being commented upon;
- b. Comments in support of or opposition to political campaigns or ballot measures;
- c. Profane, obscene, or sexual content, or comments that contain links to such content;
- d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- e. Solicitations of commerce;
- f. Conduct or encouragement of illegal activity;
- g. Information that may tend to compromise the safety or security of the public or public systems;
- h. Information that is deemed extraordinarily incorrect or unnecessarily conspiratory in nature;
- i. Content that contains personal attacks on City staff members or the distribution of their personal information ("doxing"); or
- j. Content that violates a legal ownership interest of any other party.

Comments posted to this page will be monitored. The City reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.

The City of Osawatomie is under no obligation or requirement to respond in any capacity to comments made on City-sponsored pages, and encourage comments or questions requesting follow-up responses be submitted through mail, email, or by phone to the appropriate City staff.

APPROVED BY THE GOVERNING BODY ON 4-8, 2021

CITY OF OSAWATOMIE**PROPOSED PERSONNEL POLICY AMENDMENT****Guidelines for Private Use of Social Media**

- a) Confidential, proprietary, and non-released City information should not be included in employee's private social media activity. Private and personal information, pictures, and video about or depicting City employees, contractors, customers, and constituents gathered through the employee's professional activities must never appear online or be distributed by email or through mobile messaging.
- b) An employee's public image in social media, which can be associated with the City, should meet the standards of the workplace rules of conduct. Offensiveness, disparaging comments, untruthful statements, demeaning behavior, nude or obscene pictures and/or video, and illegal substance use are all examples of behavior that is considered inappropriate by representatives of the City of Osawatomie.
- c) If an employee has a personal profile on a social media site or has a personal weblog, vlog, or website, they should not work on them during their scheduled work time, excluding breaks.
- d) For employees with personal blogs, websites, and personal profiles on social media:
- If an employee can easily be identified with, or identifies themselves as, a City of Osawatomie employee on their blog or other social media profile, they should make it clear to their readers that the views expressed in their blog entries do not necessarily reflect the City's views. To help reduce the potential for confusion, the following notice—or something similar—should be put in a reasonably prominent place on their site: "The views expressed on this blog are mine alone and do not necessarily reflect the views of my employer, the City of Osawatomie."
 - Employees should work with their direct supervisor if they have any questions about what is appropriate to include on their site.
 - Employees are encouraged to be respectful to the organization, fellow employees, residents, and other agencies regardless of situation.
 - Employees not acting in their official capacity online shall not represent or give the impression that they are acting in their official capacity.
 - An employee, while operating their personal account or page, should never respond to articles, comments, or other media regarding City business or operations except in situations where a neutral request is being made (such as asking for a specific link to the City website or other official communications) or a positive interaction is being commended.
 - Employees should make every effort to not engage in detrimental conversations on their personal account or page, and should never allow City-sponsored accounts or pages for which they have administrative privileges to conduct commentary outside of their respective pages. See the "Comprehensive Social Media Policy for Employees and Elected or Appointed Officials" for more guidelines regarding appropriate social media behavior and standards of etiquette.
- e) Monitoring personal social media, including, but not limited to, microblogging, SMS, text messaging, or instant messaging accounts should not interfere with an employee's work for the City.

Comprehensive Social Media Policy for Employees and Elected or Appointed Officials

Revised March 2021

Section 1 Purpose

Section 2 Definitions

Section 3 Policies and Procedures

Section 4 Guidelines for Employee Participation in Social Networking

Section 5 Guidance for Elected Official Participation in Social Networking

1.0 PURPOSE

The Social Media Policy comprises the philosophy, recommendations and strategies necessary for providing professional city communications in social media. This policy outlines the protocol and procedures for use of social media to publicize official City services and events. In addition, this policy addresses the responsibilities of individual employees and Governing Body members and City board and commission appointees with regard to social media and the use of City resources (time/equipment), as well as responsibilities related to public records and open meeting laws.

2.0 DEFINITIONS

Social Media – Various forms of discussion and information-sharing, including but not limited to blogs, wikis, social networks, virtual worlds, video posts, podcasts, message boards and online forums.

Technologies include but are not limited to picture sharing, wall postings, fan pages, email, instant messaging and music sharing.

Social Networking – The practice of expanding business and/or social contacts by making connections through internet-based applications.

3.0 POLICIES AND PROCEDURES

- A. All official City of Osawatomie presences on social media sites or services are considered an extension of the City's information networks and are governed by the City of Osawatomie's Social Media Policy and Personnel Policies. Official site(s) are administered by the City Manager, Public Information Officer, or an official department designee and used for the limited purpose of informing the public about City business, services and events.
 1. At least two administrators should be assigned to each account in case of incapacitation or unavailability of another administrator. User permissions should be granted using least-privilege access, to give accounts only those rights absolutely required to perform the activities required by their page role.
- B. All City of Osawatomie social media site(s) must comply with applicable federal, state, and City laws/ordinances, regulations, and policies. This includes adherence with established laws and policies regarding copyrights, records retention, Freedom of Information Act (FOIA), First Amendment, privacy laws, Kansas Open Records Act (KORA), Kansas Open Meetings Act (KOMA), Americans with Disabilities Act (ADA), and information technology, web standards, brand standards, and media policies established by the City of Osawatomie.
- C. Prior to creation, department social media sites must be approved by the City Manager, Public Information Officer, and Department Director. The City Manager and Public Information Officer (PIO) will work with departments to reach their goals by assisting with the development of social

media sites and helping the department define a strategy for engagement using social media. City Manager and PIO will also discuss how departments will keep information current on social media sites in order to keep information timely and relevant.

- D. The City of Osawatomie understands that Social Media is an outlet and does not particularly adhere to normal business hours. However, it is essential that an expectation of service be designated that provides a framework for response times. If a response is warranted, during normal business hours (Monday- Friday), a response should be provided as quickly as the information can be captured. If a posting occurs outside of normal business hours, a response should be generated by the next business day. Information should not be released via social media unless it has been verified as factual. It is recommended that language be placed on the social media sites denoting appropriate response times. The City Manager and PIO and/or their designees will have administrative access to the sites, including username and password information, and will monitor content to ensure adherence with the Social Media Policy for appropriate use and to ensure that the message and branding are consistent with the goals of the City of Osawatomie. The City retains the authority to remove information, and repeated violation of these standards may result in the removal of department sites from social media outlets.
- E. Each social media site used by the City of Osawatomie will include an introductory statement that clearly specifies the purpose of the site and directs users to the City's website. In addition, wherever possible, links to information should direct users back to the City's official Web site for more information, forms, documents, or online services necessary to conduct business with the City of Osawatomie.
- F. Employees representing the City via social media outlets must conduct themselves at all times as representatives of the City of Osawatomie and in accordance with all City of Osawatomie Personnel Policies and this Social Media Policy. Employees shall not disclose information about confidential City business on either the City's social media sites or their personal social media sites. If applicable, disciplinary actions consistent with the City of Osawatomie Personnel Policies may be taken for misuse of postings.

Employees, appointed officials, or elected officials utilizing outside agency social media sites shall follow the guidelines of this policy when posting as an identified member of a City board, commission, or council, or when posting information related to City services, events, and programs. The guidelines set forth in Section G of 3.0 shall apply to outside agency postings.

- G. Employees, appointed officials, or elected officials may not post as "City of Osawatomie," on "City of Osawatomie" sites (or other sites that appear to be or allude to being official city pages) due to considerations and possible violations of the Kansas Open Meetings Act and are discouraged from discussing campaigns, issues, and other political matters on City accounts. In addition, the City will not sanction or support the creation of a social media site for City boards, commissions, or councils due to possible violations of the Kansas Open Meetings Act.
- H. City of Osawatomie social networking content and comments containing any of the following forms of content shall not be allowed for posting:
 1. Comments not topically related to the particular site or blog article being commented upon;
 2. Profane or obscene language or content, or links to such content;
 3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
 4. Sexual content or links to sexual content;
 5. Solicitations of commerce;
 6. Conduct or encouragement of illegal activity;

7. Information that may tend to compromise the safety or security of the public or public systems;
8. Content that violates a legal ownership interest of any party;
9. Employees, appointed officials, or elected officials shall not initiate or participate in discussions related to policy, policy creation or formation, or City operations on social media sites; or
10. Content that reflects negatively on the City of Osawatometie.

The City reserves the right to remove content that is deemed in violation of this policy, applicable law, or the City of Osawatometie Personnel Policies. Any participants on the City's official social media site(s) who are in continual violation of the posting/commenting guidelines may be permanently removed from the City's site(s).

- I. The City of Osawatometie reserves the right to temporarily or permanently suspend access to official City social media site(s) at any time.
- J. If the City of Osawatometie begins operating under the special circumstances of a crisis or emergency situation, staff will immediately stop posting on their respective department sites. All sites will redirect to the City's main social media site(s) or official website to ensure followers receive consistent information from the City of Osawatometie. All communication in a crisis situation will be posted by the City Manager, Public Information Officer, or an official designated by the City Manager. When the City decides to return to normal communications operations, individual departments may again post information related to City services, programs and events.

4.0 GUIDELINES FOR EMPLOYEE PARTICIPATION IN SOCIAL NETWORKING

The City of Osawatometie understands that social networking and Internet services have become a common form of communication in the workplace and among stakeholders and citizens. The City does not seek to control, through this policy or otherwise, the purely personal online content posted by City employees when that content is posted during non-working time, is posted using personal equipment, is not posted in an official capacity as an employee, appointed official or elected official of the City of Osawatometie, or is not otherwise disruptive to the City's vision, mission and values. The following guidelines apply to any online post that occurs:

- during working hours;
 - is posted using City equipment; or
 - identifies the City of Osawatometie, links to information about the City or identifies the individual's position with the City. In addition to being subject to the guidelines listed below, all such online activity is subject to the City's Computer, Email and Internet Use Policy, and other policies found in the City of Osawatometie's Personnel Policies.
- A. City policies, rules, regulations, and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of your City email address and/or communicating in your official capacity (even if operating a personal page or profile) will constitute conducting City business.
 - B. City employees shall notify their supervisor and the City's Public Information Officer if they wish to create a social networking site or service to conduct City business, with permission being granted solely by the Public Information Officer.
 - C. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties that are related to their professional organizations. Department Directors may allow or disallow employee participation in any social networking activities for work-related purposes in their departments, after consultation with the Public Information Officer and the Human Resources Manager.

- D. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive, and confidential City information.
- E. Follow all copyright laws, public record laws, retention laws, fair use, and financial disclosure laws, and other laws that might apply to the City or your functional area.
- F. Do not cite vendors, suppliers, clients, citizens, co-workers, or other stakeholders without their approval.
- G. Employees are personally responsible for the content they publish through social media sites. Identify yourself and make it clear that you are speaking for yourself and not on behalf of the City of Osawatomie or in your role as a City employee. If you publish content on a Web site outside of the City of Osawatomie and it has something to do with the work you do or subjects associated with the City, use a disclaimer such as: "The postings on this site are my own and don't necessarily represent the City of Osawatomie's position or opinions."
- H. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City workplace, including things such as harassment and bullying.
- I. If you identify yourself as a City employee, ensure that your profile and related content is consistent with how you wish to present yourself to colleagues, citizens, and other stakeholders. Infractions of these policies may result in disciplinary action up to and including termination of employment. (See City of Osawatomie Personnel Policies)

5.0 GUIDANCE FOR APPOINTED AND ELECTED OFFICIAL PARTICIPATION IN SOCIAL NETWORKING

The City recognizes that appointed and elected officials may wish to use social media and social networking to connect with constituents and to promote political agendas. When using social media, as with any other electronic communication, elected officials should be mindful of the risks associated with Kansas Open Meetings Act (KOMA) and recognize the potential for personal posts to be considered the official position of the City.

- A. **Account Names** – Personal social media account names should not be tied to the City. This will help clarify that the individual is not speaking officially on behalf of the City or in their position as an elected or appointed official.
- B. **Transparency** – Appointed or elected officials who use personal social media sites should complete the profiles on those sites and reveal they are appointed or elected officials for the City. In addition, consider including a disclaimer such as: "The postings on this site are my own and don't necessarily represent the City of Osawatomie's position or opinions."
- C. **Honesty** – Appointed or elected officials are personally responsible for the content they publish through social media sites. Please be mindful of all privacy and confidentiality laws when posting and that efforts to be honest don't result in sharing non-public information related to employees, personnel data, claims or lawsuits, or other non-public or confidential information.
- D. **Mistakes, Liability and Claims Against the City** – If an appointed or elected official makes a factual mistake, it should be corrected as soon as the official is aware of the error. Corrections should be upfront and as timely as possible. As is consistent with social media etiquette, notify the reader of the correction by including something that designates the correction such as "Fixed Link," "Updated Post," or "Fact Correction" before the corrected information. To help prevent errors, appointed or elected officials should not post official information about the City unless sharing City-generated content.
 - a. Potential errors could create City issues ranging from minor to significant, and some may create unforeseen liability issues. When appropriate, link back to the City website to provide official information on a subject. If an appointed or elected official makes an error related to official City business, he or she should contact the Public Information Officer to divulge the error and consult on the best manner in which to communicate the correct information. On a case-by-case basis, the City may choose to correct the information in a

range of official City communication vehicles such as the City Newsletter, website, during a board, commission or council meeting, and, potentially, with the local media to ensure the corrected information is broadcast as widely as possible.

- b. Appointed or elected officials should also recognize that using personal technology to communicate on official City business could become inconvenient if a request for data is made on a particular topic and that appointed or elected official has commented through his or her own equipment. Appointed or elected officials should consider maintaining separate files on their personal technology devices for City-related communications so they can easily produce any requested public information as required by the Kansas Open Records Act (KORA).
- E. **Add Value** – There may be times when appointed or elected officials use social media to promote a position on a City issue. When this occurs, appointed or elected officials are encouraged to add value to the conversation by staying focused on the issue.
- F. **Mind the Law, Existing City Policies, and Guidelines** – Appointed or elected officials who use personal social media accounts are not immune from the law, or from the need to follow existing City policies related to electronic communications among board, commission, or council members and the use of city-owned technology. Any information posted or responded to by appointed or elected officials should be done so in a manner that does not violate the letter or the spirit of KOMA.

Appointed or elected officials should not upload, post, transmit or make available content known to be false, misleading or fraudulent, or to post photos that infringe on trademark, copyright or patent rights of others.

Appointed or elected officials should not post non-public and confidential information such as information related to employees, personnel data, claims or lawsuits or other non-public or confidential information.

Appointed or elected officials should not use city-owned equipment to post to personal sites content that violates existing city policies, that exhibits hate, bias, discrimination, pornography, libelous, or otherwise defamatory content.

- G. **Stop Discussing Issues (if asked to do so by the City)** – There may be instances in which an appointed or elected official should not comment on a particular City issue. This could occur if the discussion might violate laws, regulations, or confidentiality, or if a claim or lawsuit has been filed against the City. The City Manager or the Public Information Officer may contact an elected or appointed official with the request to stop commenting on a particular issue.
- H. **Campaigning** – Appointed or elected officials shall not use official City social media sites for campaigning purposes.

Contact By Media – Appointed or elected officials who are contacted by the media on a topic of official City business should feel free to refer to the Public Information Officer for assistance.

CITY OF OSAWATOMIE



439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064

913.755.2146 (p)
913.755.4146 (f)
ozcity@osawatomieks.org
www.osawatomieks.org

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

CITY COUNCIL POLICY MANUAL

Policy No. 109

Food Truck Program

Rules and Regulations for Food Truck Program

Operating Conditions

1. Locations: Mobile food vendors may operate within the City under the following conditions:
 - A. Public Property: Mobile food vendors will be allowed to set up at the designated parking spots on the Northeast Corner of 5th & Main. The food vendor will need to park so that their customer service window is facing the curb, lawn or sidewalk. No food service shall be provided on the driving lane side of the truck. Mobile food units may not park on any other public property (see Exceptions). Mobile food vendors will need to reserve a date and time with City Hall and will be allowed to vend during the hours of 11:00 a.m. to 7:00 p.m. on Monday, Wednesday and Saturday. Two mobile vendors (one main course and one dessert or beverage vendor) will be allowed to set up during that period
 - B. Private Property: A vendor is allowed to operate on commercially zoned private property, with permission from the business owner, and where a line of customers would not hinder the flow of traffic on any street, the flow of bicycles within any bike lane or route, or the flow of pedestrians along any sidewalk. No accessible route providing access to persons with disabilities may be blocked or reduced to less than five (5) feet in width. If any such hindrance occurs, the vendor must either:
 - (1) Instruct customers to move to a safe location outside of the flow of traffic, bicycles, and pedestrians;
 - (2) Temporarily stop vending from its unit, or
 - (3) Move its unit to a different location.

- C. A private property owner shall not permit a mobile food vehicle to set up on their property until the food truck has been issued a Food Truck Permit from the City of Osawatomie.
2. Distance from Restaurants: No mobile food vendor may vend on public or private property within one hundred fifty (150) feet from the front door of a brick-and-mortar restaurant during such restaurant's posted hours of operation unless the mobile food truck vendor has written permission from the restaurant owner and maintains a record of such permission in its unit for inspection.
 3. Distance from City-Approved Event: No mobile food vendor shall be allowed to vend within a five-hundred-foot radius of a City-approved event without permission from the event organizer;
 4. Signage: Except as otherwise provided herein, no sign or device prohibited by the building and zoning regulations may be erected, placed, installed, and/or maintained in association with a mobile food unit.
 5. Lights and Sound: No flashing lights or attention-attracting devices are permitted on or in association with the use of a mobile food unit. No direct light may be shined on adjacent property or cause a glare or distraction for vehicles, bicycles or pedestrians from a mobile food unit. Music or other sounds associated with the mobile food unit must be in compliance with Section 11-338 in the City of Osawatomie Municipal Code.
 6. Trash: Receptacles shall be provided with each mobile unit. Such receptacles must be attached to the unit or located within fifteen (15) feet of the unit and cannot interfere with vehicle access, pedestrian movement, or handicap-accessible routes to and around the unit. A minimum access width of five (5) feet must be maintained along all sidewalks and building entrances accessible to the public.
 7. Restoration of Site: Immediately upon cessation of vending, the mobile food vendor shall return the site to its previous condition, including the removal of all litter, repair of any damage, or other evidence of vending. If the site is not returned to its previous condition, the City will restore the site at the expense of the vendor.

License and Permits: All mobile food vendors shall acquire and maintain all required licenses and permits applicable to the use and operation of mobile food units from the City of Osawatomie and the State of Kansas. Evidence of all such licenses and/or permits shall be posted in the unit in a conspicuous spot and produced upon request by the Chief of Police or designee or other public officer charged by the City Manager with enforcement of this policy. Mobile food vendor license permit fee will be set forth on the fee resolution. Any application for a mobile food vendor license may be denied. Any license issued may be revoked, suspended or not renewed by the City Clerk for

failure to comply with the provisions of this policy or any rules or regulations promulgated by the City of Osawatomie.

1. Application: To receive a mobile food vendor license, the vendor must file a completed mobile food vendor application with the City Clerk or other designated representative, on a form provided by the City. Incomplete applications will not be accepted. The applicant must provide the following information:
 - A. The full legal name, date of birth, permanent address, business mailing address, email address and telephone number of the applicant and the contact person for the business, if different from the applicant;
 - B. The name under which the mobile food unit does business ("dba" name) and, if applicable, the registered name of the legal entity owning the mobile food unit (corporation, limited liability company, partnership, limited partnership association, firm or another name);
 - C. The name of the owner and the type, make and vehicle identification number or other identifying number of the vehicle form which the applicant proposes to conduct business;
 - D. The applicant's valid Kansas sales tax number;
 - E. A current health inspection certificate from the State of Kansas;
 - F. A menu of food or beverages to be offered for sale;
 - G. Proof of a valid driver's license for operation of the class of vehicle or vehicles identified in the application to be used in the business for the applicant;
 - H. Proof that the applicant has procured a policy of general liability insurance covering the mobile vending operation and vehicle or vehicles written by an insurance carrier licensed to do business in Kansas, with minimum limits of one million dollars (\$1,000,000.00), naming the City of Osawatomie as additional insured; and evidence of compliance with the insurance requirements shall be in the form of a certificate of insurance that shall be submitted with the application;
 - I. The application shall contain a statement certifying that all of the information provided in the application is true and correct and must be signed personally and acknowledged by an individual applicant, by a partner for a partnership applicant, by an officer legally authorized to sign for a corporate application or by a member of a limited liability company legally authorized to sign company documents;

- J. This application shall also contain a statement by the applicant or partner, officer or member that he or she is familiar with the provisions of this Chapter and is complying and will comply with all requirements set forth within.
- K. The City has electrical power supply receptacles (240-volt 50-amp plug, 20-volt 30 amp plug or 120-volt 20-amp receptacle) located on a power pole at the Northeast Corner of 5th & Main. This service is available for an additional fee that is set forth on the fee resolution.

Exceptions:

- 1. A vendor operating under the following conditions for the purpose of this policy and the licensing provisions required herein shall not apply to:
 - A. Vendors selling in conjunction with and as part of a City of Osawatomie sponsored event such as Osawatomie Lights on the Lake or Freedom Festival.
 - B. Vendors selling food that does not require temperature control, such as lemonade stands, bake sales, produce stands, etc.
 - C. Catering a private event.
 - D. Ice cream vendors.

Osawatomie City Sales Tax: All mobile food vehicles are required to collect and submit sales tax for the City of Osawatomie.



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.G
	Date:	December 7, 2021
City Manager	From:	Mike Scanlon

RE: Resolution 947 – A Resolution relating to setting a City Council Meeting for December 30, 2021 to close out city business and make the appropriate budget adjustments for the 2021 Budget Year.

RECOMMENDATION: Approve Resolution 947 relating to setting a City Council Meeting for December 30, 2021 to close out city business and make the appropriate budget adjustments for the 2021 Budget Year.

DETAILS: The City has had several budgetary emergencies in 2021(Polar Vortex – resulting in No-Fund Warrants, Loan from the State of Kansas), were the recipient of increased revenues received from the US federal government for COVID-19 relief, executed the sale of Water Tower Rights that created a windfall, and has been undergoing a transition in departments and personnel to meet the challenges faced by the community. These emergencies have resulted in the need to amend our approved State Budget limits.

RESOLUTION NO. 947

BY THE CITY OF OSAWATOMIE, KANSAS

**A RESOLUTION RELATING TO SETTING A CITY COUNCIL MEETING FOR
DECEMBER 30, 2021 TO CLOSE OUT CITY BUSINESS AND MAKE THE
APPROPRIATE BUDGET ADJUSTMENT FOR THE 2021 BUDGET YEAR.**

WHEREAS, the City of Osawatomie has had several budgetary emergencies in 2021 (Polar Vortex – resulting in No-Fund Warrants, Loan from the State of Kansas), were the recipient of increased revenues received from the US federal government for COVID-19 relief, executed the sale of Water Tower Rights that created a windfall, and has been undergoing a transition in departments and personnel to meet the challenges faced by the community; and

WHEREAS, State Law requires that expenditure limits be set for each fund and amended if there's an increase in revenues matched typically by increase in expenditures; and

WHEREAS, these matters are considered routine in the annual appropriation process.

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

SECTION ONE: That the City Council will hold a City Council meeting on December 30, 2021 to close out City Business.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 9th day of December, 2021, a majority voting in favor of.

APPROVED and signed by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.H
	Date:	December 7, 2021
City Manager	From:	Mike Scanlon

RE: Resolution 948 – A Resolution relating to establishing implementation steps for OZCommons Plan.

RECOMMENDATION: Approve Resolution 948 – A Resolution relating to establishing implementation steps for OZCommons Plan.

DETAILS: This Resolution outlines the beginning steps in the implementation of the OZCommons plan and includes the following steps.

1. Inventory of buildings and lands in the OZCommons Planning area.
2. Establish a building and land matrix to help guide community investments.
3. Establishment with the assistance of business and property owners a Osawatomie Downtown Community Development Corporation (501c3).
4. Establishment of the appropriate district(s) and incentive tools that will allow for the rehabilitation, repair, renovation and redevelopment of properties in the OZCommons planning area.
5. Establishment of the transportation corridors outlined in the OZCommons plan in concert with the Paving-the-Way program (streets/sidewalks) that is underway.
6. Creation of the appropriate ad-hoc committees to help lead the implementation efforts.
7. Begin to apply for and secure grants that can help with the financing of the OZCommons planning goals.
8. Prepare a five-year investment plan to help finance and insure the OZCommons planning goals are met.

RESOLUTION NO. 948

BY THE CITY OF OSAWATOMIE, KANSAS

**A RESOLUTION RELATING TO ESTABLISHING IMPLEMENTATION STEPS
FOR OZCOMMONS PLAN.**

WHEREAS, the City of Osawatomie undertook a downtown planning study funded in part by the Planning Sustainable Places grant provided by the Mid-America Regional Council (MARC); and

WHEREAS, the City Council through Resolution 936 directed the City Manager to implement four organizational and community realignment steps outlined in the Document “Osawatomie 4.0 – Downtown;” and

WHEREAS, the city needs to prepare for an implementation phase of the OZCommons plan.

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

SECTION ONE: That the City Council directs the City Manager and staff to undertake the following implementation steps in the downtown corridor and provide a long-term funding plan for these steps which shall include;

1. Inventory of buildings and lands in the OZCommons Planning area.
2. Establish a building and land matrix to help guide community investments.
3. Establishment with the assistance of business and property owners a Osawatomie Downtown Community Development Corporation (501c3).
4. Establishment of the appropriate district(s) and incentive tools that will allow for the rehabilitation, repair, renovation and redevelopment of properties in the OZCommons planning area.
5. Establishment of the transportation corridors outlined in the OZCommons plan in concert with the Paving-the-Way program (streets/sidewalks) that is underway.
6. Creation of the appropriate ad-hoc committees to help lead the implementation efforts.
7. Begin to apply for and secure grants that can help with the financing of the OZCommons planning goals.
8. Prepare a five-year investment plan to help finance and insure the OZCommons planning goals are met.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 9th day of December, 2021, a majority voting in favor of.

APPROVED and signed by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	
	Date:	December 9, 2021
Deputy City Manager	From:	Bret Glendening

RE: Opt-in to the Opioid Settlement Agreement

RECOMMENDATION: That the City Council pass the ordinance as presented to opt-in to the Opioid Settlement Agreement with the Kansas Attorney General.

DETAILS:

1. This resolution is intended to capture the minimum requirements of the Act; authorizing the city to enter into an agreement to release and assign any and all current and future opioid claims and certifying city costs associated with opioid abuse treatment and mitigation in excess of \$500. In addition to those necessary components, the draft resolution authorizes city manager or administrator and/or the mayor to execute the agreements necessary for the city to have access to the settlement funds on behalf of the city.
2. This resolution and any agreements entered into pursuant to the resolution should be reviewed by the city attorney.
3. See attached Opioid Settlement Information Sheet from the League of Kansas Municipalities.

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

RESOLUTION NO. 949

A RESOLUTION OF THE CITY OF OSAWATOMIE, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO RELEASE AND ASSIGN THE CITY'S OPIOID CLAIMS TO THE KANSAS ATTORNEY GENERAL AND CERTIFYING COSTS ATTRIBUTABLE TO SUBSTANCE ABUSE AND ADDICTION MITIGATION IN EXCESS OF \$500.

WHEREAS, in 2021, the Kansas Legislature enacted HB 2079, the Kansas Fights Addiction Act (the "Act"), authorizing litigating municipalities such as the City of Osawatomie to access opioid litigation settlement funds and become eligible for certain state grants by entering an agreement releasing the city's opioid litigation claims to the Attorney General and assigning any future opioid litigation claims to the Attorney General (the "Agreement"); and

WHEREAS, the City of Osawatomie sustained damages related to the opioid epidemic; and;

WHEREAS, the City of Osawatomie desires to enter an Agreement releasing and assigning its Claims to the Attorney General in order to access opioid litigation settlement funds and become eligible for certain state grants.

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

Section 1. Authorization of the Agreement. City hereby authorizes the release of its legal claims arising from covered conduct to the Attorney General, and the assignment of any future legal claims arising from covered conduct to the Attorney General, pursuant to the Agreement by and between the Attorney General and the City in substantially the form presented to and reviewed by the governing body at this meeting (copies of this document shall be on file in the records of the City), with such changes therein as shall be reviewed by the City Attorney and the officials of the City executing such documents.

Section 2. Execution of the Agreement. The City Manager is hereby authorized and directed to execute, seal, attest and deliver the Agreement in substantially the form presented to and reviewed by the governing body at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of the City.

Section 3. Certification of Costs and Expenses. The City hereby certifies that it has incurred costs and expenses related to substance abuse or addiction mitigation in excess of \$500 and the City can utilize the opioid litigation settlement funds for the lawful purposes established in the Kansas Fights Addiction Act and the settlement agreements. The City Manager is hereby authorized to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to certify these costs and expenses or similar costs and expenses, for and on behalf of the City.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 9th day of December, 2021 and **SIGNED** by the Mayor.

L. Mark Govea

Attested:

Tammy Seamands

REVIEWED AND APPROVED AS TO FORM:

Richard Wetzler

Opioid Settlement Informational Sheet

Kansas is part of the multi-state litigation aimed at holding the producers and distributors of opioids accountable for the negative effects that their drugs have had on the American public. In 2021, the State Legislature passed HB 2079 to govern the distribution of settlement funds. The bill requires 75% of settlement funds to go to the state and 25% of these funds to be split between municipal governments. Pursuant to this legislation, the League, the Kansas Association of Counties, and the Attorney General's office are finalizing a required Memorandum of Understanding (MOU) governing how the local funds will be split and used.

In order to receive settlement funds, your city will need to certify previous or expected costs to the city of at least \$500, agree to spend any settlement funds for lawful purposes, and waive any remaining claims related to the opioid litigation. **It is important to note** that any city not having already filed a lawsuit on their own is barred from doing so by HB 2079. So, if your city is a non-litigating city, meaning that you have not filed opioid litigation on your own independent of the state, then going through these steps will be the only way that your city can receive settlement funds.

Certifying Costs and Agreeing to Spend Funds on Lawful Purposes

Your city will be required to certify, **by resolution**, that the city has had or will have at least \$500 in costs related to opioid abuse or addiction mitigation and that the city is able to utilize any settlement funds on purposes approved in the MOU and the various settlements. The League's sample resolution will, among other things, certify costs and the ability to spend on lawful purposes as required.

- **Question 1: What are approved purposes?**
 - Approved purposes will likely include projects and activities, including law enforcement, that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction. Language in the various settlements and the finalized MOU will offer more clarity on this. Cities will be able to partner with non-profit entities or pool money with other municipalities to use the settlement funds on projects well suited to address the problems brought on by opioid addiction and abuse.

- **Question 2: What can be included as we calculate costs?**
 - Generally any public funds spent on opioid abuse mitigation and treatment can be included when calculating if your city meets that \$500 threshold. Examples we have heard from cities have been the cost of Narcan kits and the personnel costs to emergency agencies (Fire, EMS, and Police) in responding to overdose calls.

Waiving Claims

Your city will also be required to enter various agreements waiving any future claims that the city may have against various producers and distributors arising from conduct covered by the state settlement. All cities wishing to receive settlement funds will be required to enter the MOU. In addition to the MOU, cities wishing to receive funds will need to enter agreements with other entities (as of now Johnson & Johnson and a collection of distributors). Where you can find this release and how it will be submitted will vary by city population:

- **Cities with population of 10,000 or more.**
 - You should have received a notice from the National Opioids Settlement Administrator. This notice will include directions on how to register for the national settlement site and will include a code unique to your city allowing you to register for the site. Once registered, you will be sent the settlement release forms for the distributor's settlement and the J&J settlement that can be signed online by anyone with authorization to do so. If you have not received this notice, send an email to jgoodyear@lkm.org.
- **Cities with population of less than 10,000**
 - You will still need to sign these releases in order to have access to funds, but you will not be able to do so online. Instead, you will be required to submit an Exhibit K form. These forms will be a PDF and there will be one for the Distributors settlement and one for the Janssen (Johnson & Johnson) settlement. The forms can be found on the League's website, on the Kansas Fights Addiction Act page https://www.lkm.org/page/Opioid_Settlement. In order to participate and receive funds, your city will need to fill out, sign, and submit both forms to participation@nationalopioidsettlement.com
- **Question 1: Who can sign the MOU and these settlement releases and agreements on behalf of the city?**
 - Release of these claims will require action by the governing body. Some cities have begun passing resolutions releasing claims and authorizing city personnel or a city official (ex: city manager or administrator, or mayor) to enter the agreements

necessary to effectuate that waiver. The League has developed a sample resolution doing just that. While you will not be required to pass such a resolution, it may be easier for the city to do so; authorizing one official to act on the city's behalf instead of waiting until all agreements are ready and finalized to hold a special meeting of the governing body to take up each agreement.

Sample Resolution

The League, in consult with some city attorneys, has drafted a sample resolution to certify city costs, affirm that the city will only spend the funds on permissible purposes, and authorize a city official to execute any agreements that are necessary for the city to receive settlement funds. We urge you to work with your city attorney as you make modifications to the resolution to make it fit your city.

Submission of the Resolution and Signed MOU

Once your city has passed a resolution certifying costs and has signed the MOU, those signed documents must be submitted to the Attorney General's Office. They are currently working on a portal or the development of an email address where the signed MOU and resolution can be submitted. Once they have developed that portal or site, we will share that information here and on the League's website.

More Questions? Contact jgoodyear@lkm.org

Settlement Participation Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

Settlement Participation Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Distributor Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.
7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.
11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	
	Date:	December 8, 2021
Building Official	From:	Ed Beaudry

RE: Extend the Neighborhood Revitalization Program for one year to allow time to make amendments to the plan.

RECOMMENDATION: That the City Council pass the ordinance as presented to extend the Neighborhood Revitalization Plan for one year.

DETAILS: The Osawatomie Neighborhood Revitalization Plan is set to expire at the end of 2021. Currently, the plan offers an incremental tax rebate for new construction with a minimum increase of \$15,000 in appraised value. The original plan was approved and passed by Ordinance 3659 at the end of 2008.

All property within city limits is eligible for the program except the property in Parkview East, Parkview West, Hickory Valley, Slayman Heights, Northland and South of the Pottawatomie Creek Levee System. In the event of a transfer of ownership of a parcel during the eligible rebate period, such parcel and the new owner thereof shall remain eligible to apply for the rebate. Rebates shall be made payable only after the application is made and approved. Rebates approved for payment shall be made within 30 days of the June 5th distribution.

According to Kansas Statutes, the plan may be extended by the Council, as is, at a regular council meeting. If the Council desires to make any amendments to the plan, the Council must conduct a public hearing and publish notice of public hearing at least once for two consecutive weeks prior to. Any extension or amendments made to the Neighborhood Revitalization Program must be made by the passage of a new ordinance.

City staff would like to see an expansion of the program, but is recommending the one-year expansion to give time to put together a more comprehensive plan for review and adoption in 2022.

Related Statute / City Ordinances	Ordinance 3659
Line Item Code/Description	N/A
Available Budget:	N/A

ORDINANCE NO. 3804

AN ORDINANCE EXTENDING THE CURRENT NEIGHBORHOOD REVITALIZATION PLAN FOR A PERIOD OF ONE YEAR FROM AND AFTER JANUARY 1, 2022

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

SECTION ONE: The City of Osawatomie does hereby adopt the extension of the Neighborhood Revitalization Plan first adopted by Ordinance 3659 on December 11, 2008 which designated a revitalization area as provided in K.S.A. 12-17, 114 et seq., and extends the program for a period of one (1) year from and after January 1, 2022.

SECTION TWO: The City of Osawatomie designates the real property described in the Neighborhood Revitalization Plan as the Neighborhood Revitalization Area and finds that the following conditions exist within the area:

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence and which is detrimental to the public health, safety or welfare;
2. a substantial number of deteriorated or deteriorating structures, which substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use;
3. an area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

SECTION THREE: 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 9th day of December 2021,

APPROVED AND SIGNED by the Mayor.

L. Mark Govea
Mayor

(SEAL)

ATTEST:

Tammy Seamands
City Clerk



CITY OF OSAWATOMIE

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 3804: AN ORDINANCE EXTENDING THE CURRENT NEIGHBORHOOD REVITALIZATION PLAN FOR A PERIOD OF ONE YEAR FROM AND AFTER JANUARY 1, 2022

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, December 15, 2021)

Summary of Ordinance No. 3804

December 9, 2021 the City of Osawatomie, adopted Ordinance No. 3804, which extends the current Neighborhood Revitalization Program for one year, through the end of 2022. A complete copy of this ordinance is available at 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: December 9, 2021

Richard S. Wetzler
Richard W. Wetzler, City Attorney



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.K
	Date:	December 7, 2021
City Manager	From:	Mike Scanlon

RE: Ordinance No. 3805 – Ordinance adopting the 2022 Budget for the City of Osawatomie, Kansas

RECOMMENDATION: Approve an ordinance adopting the 2022 Budget of the City of Osawatomie, Kansas

DETAILS: As part of the annual budget process, the City takes formal action to adopt the 2022 Budget by ordinance. This ordinance represents one of two ordinances that are considered each December to finalize the City’s annual budget and to provide expenditure authority.

There are no changes to the budget that was approved by the City Council in September 2021.

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

CITY OF OSAWATOMIE, KANSAS

ORDINANCE NO. 3805

AN ORDINANCE ADOPTING THE 2022 BUDGET OF THE CITY OF OSAWATOMIE, KANSAS.

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

SECTION 1. Adoption of Authority. The City of Osawatomie hereby adopts its budget for the year 2022. Copies of said State budget shall be open for inspection in the office of the City Clerk during business hours. Upon filing of the budget with the County Clerk of Miami County, Kansas, said budget shall constitute an appropriation for each fund, and the appropriation thus made shall not be used for any other purpose, pursuant to K.S.A. 79-2934. A final budget document will be available to the public on January 31, 2022.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASS BY THE CITY COUNCIL, this 9th day of December, 2021.

APPROVED BY THE MAYOR this 9th day of December, 2021.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.L
	Date:	December 7, 2021
City Manager	From:	Mike Scanlon

RE: Ordinance No. 3806 – Authorization to spend according to the Approved 2022 Annual Budget

RECOMMENDATION: Approve an Ordinance authorizing the City Manager to make expenditures in accordance with the adopted 2022 annual budget.

DETAILS: As part of the annual budget process, the City Council takes formal action in December to authorize and direct the City Manager to spend according to the adopted budget and in compliance with City Council Policy No. 102.

The attached ordinance will authorize the City Manager to spend in accordance with the approved annual budget.

Related Statute / City Ordinances	Council Policy No. 102
Line Item Code/Description	
Available Budget:	

CITY OF OSAWATOMIE, KANSAS

ORDINANCE NO. 3806

AN ORDINANCE AUTHORIZING EXPENDITURES BY THE CITY MANAGER FROM THE 2022 BUDGET.

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

SECTION 1. Grant of Authority. The City Manager is hereby authorized to make expenditures from the 2022 City Budget as adopted by Ordinance No. 3805 pursuant to and in accordance with City Council Policy No. 102, as from time to time amended. Copies of said Policy shall be open for inspection in the office of the City Clerk during business hours.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASS BY THE CITY COUNCIL, this 9th day of December, 2021.

APPROVED BY THE MAYOR this 9th day of December, 2021.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk

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

L. Mark Govea, Mayor

CITY OF OSAWATOMIE

DEPUTY CITY MANAGER'S REPORT ON OPERATIONS

December 9, 2021

Water Treatment Plant Status:

Update from MDCPUA November 18, 2021 Board Meeting: On November 18, 2021 I attended the Marais Des Cygnes Public Utility Authority meeting to discuss our mutual interests with regard to interconnections with between the PUA and RWD #2. The PUA Board was admittedly interested in the idea, but could not justify contributing to the cost of the project, which was apparent to me when I met with the PUA and RWD #2 on 10/18/2021 and as discussed in my October 28, 2021 DCM report. They did however acknowledge the value to them as a production facility of having interconnections with RWD #2 and Osawatomie, which led me to request them to be prepared for me to return to them at a point in the near future to request their support in future grants/loan applications. They did state that they were very interested in having Osawatomie join in with the PUA.

Finally, the water study committee met on November 18th and the recommendation is being presented during the December 9th Presentations portion of the council agenda, with consideration of accepting the recommendation occurring at the first council meeting in January.

Wastewater Treatment Plant Status:

Advertisement for bids is still expected this month. Bids will be due in January 2022. Our engineers continue to express 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:

We have received approximately 90% of the material needed for the water line. Weather permitting, work will begin on the installation of the new line on or about December 13th. The MOU with Miami Co. has been sent to the Kansas Attorney General's office for approval.

Utility Rate Study:

KMEA is working on the water rates. They have everything they need and are analyzing data at this point.

Evergy Solar Array Development:

I met with Evergy on November 15 (which included a visit to the site). Since that meeting, they have been provided with as much information as possible (Phase I and II environmental studies, geotechnical report, locations of utilities, etc.) to help them plan where on the site it will be most

cost effective to build. Additionally, Evergy was in city hall on December 7 to discuss further actions needed to move forward. They will be present at the January 27th council meeting to formally present the solar project itself and take questions on it. Additionally, a Solar Development Agreement, which is an intermediate (and final) step prior to the execution of the power purchase agreement (PPA) should be signed in order to further define roles and responsibilities of both parties as we move to a PPA. This agreement will be presented at the first council meeting in January.

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 on November 22nd and bids were received on December 7th. Total land area being considered for contract mowing is ~107 acres (previously listed 131 acres but there were a couple properties listed twice). I will provide an update on the pricing once that has been received and evaluated.

2024 and 2025 Street Improvements:

As discussed during the November 18th council meeting when you were considering Resolution 931 as well as Ordinance 3801 and Charter Ordinance 20, city staff will begin providing much more detail with regard to timing of the street projects that are identified in 2022 and 2023 as they become available. It is critical to get the information to the public as soon as it is known so they can make the appropriate arrangements and adjustments to avoid the work areas while the streets are under construction. There will be inconvenience, and at times it will be significant, but our hope is that the public can be patient as the work progresses. It will be worth it when the work is complete.

That being said, I want to detail the streets that are *currently* slated for 2024 and 2025. They are as follows:

2024	2025
Parker- 8th – to John Brown Park	4 th - Brown to Pacific
Parker -5 th to 6 th	Pacific - 1 st to 6 th
1 st - Main to North Levee	4 th - Parker to Main
5 th - Alley to Brown	7 th - Pacific to Walnut
5 th - Brown to Chestnut	Pacific - Community Garden to 1 st
Chestnut- 4 th to 6 th	9 th - Walnut to South Street
Brown - O’Neal to 1 st	4 th - Lincoln to Parker
3 rd - Main to Walnut	4 th - Pacific to Kelly

The way this is currently looking, 2022 will be a year that only sees 8 blocks of streets rebuilt, but 2023, 2024 and 2025 will each have approximately 19 blocks of streets rebuilt.

John Brown Park Shelter Roof & Steps:

The shelter house roof needs work. The public works department has received bids for the shelter house roof repair and they are as follows: Cordray Roofing - \$2,895.00 and Keaton Construction Inc. - \$3,517.80. Cordray bid was accepted and weather permitting, the roof could be repaired as early as the week after Thanksgiving (weather needs to be above 50°). Lastly, two different steps have been patched at the shelter house as well. These are the steps on the east side of the shelter and the step on the north side.



Osawatometie Unified School District #367

1200 Trojan Drive • Osawatometie, Kansas 66064-1696

Office: 913-755-4172

Fax: 913-755-2031

Justin Burchett,
Superintendent

Susan Gorman,
Director of Curriculum

School Board Members

D.J. Needham,
President

Ben Wendt ,
Vice President

Marsha Adams

Joshua Barnett

Jeff Dorsett

Krystal Powell

Gordon Schrader

November 29, 2021

Mayor Govea & City Council Members
City Hall
439 Main Street
Osawatometie, Kansas 66064

Dear Mayor Govea and Osawatometie City Council Members:

I am so very grateful to be writing this thank you from school after actually attending in person all of the 2020-2021 school year and back for the 2021-2022 year. The Class of 2021, and all students for that matter, have missed out on a lot due to COVID restrictions. However, I am proud of our kids at OHS as they persevered and made it through thus far. I believe last year's seniors ended their high school years stronger and more thankful than they might have been otherwise. I'm very glad they were rewarded with the generous scholarships many received.

I do apologize for being so very late in sending this thank you and redundancy from year to year. However, the importance of letting those involved in our scholarship program know how much we appreciate their stewardship and financial contributions is a task I firmly believe needs to be done each year. No matter your role in the Osawatometie High School Local Scholarship Program; steward, originator, family member or contributor, you are valued and appreciated.

The Class of 2021 had a junior and senior year like no other class. As I said above, I am grateful they have the scholarships awarded to them to move on from Osawatometie High School and into the next phase of their education. I believe they are each deserving and will be good representatives of OHS, the families, individuals and businesses that have provided the scholarships. I know Ryan Daniels, the alternate recipient of the Governing Body of Osawatometie Scholarship, appreciates the support and recognition received through the scholarship award. Although Romeo, the original recipient of the scholarship, ultimately decided not to pursue post-secondary education at this time, I'm sure he also appreciates the support offered and recognition received.

Thank you again for your part in assisting the graduates of Osawatometie High School through our local scholarship program. The benefits received will continue for generations to come.

Sincerely,

Elizabeth J. Stout-Rhine
OHS Local Scholarship Coordinator