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TO: Mayor and City Commissioners
RE: **Study Session Agenda**
FROM: Richard U. Nienstedt, City Manager

A Study Session is scheduled for **October 15, 2012 at 4:00 pm** in the Commission Chambers on the first floor of City Hall, 101 S. Hickory. The following items will be presented:

I. Public Comments

II. Items to be Placed on the Regular City Commission Agenda

- a. Minutes from the September 19, 2012 Regular Meeting. *pp. 3-6*
- b. A proclamation recognizing October 2012 as Month of the Young Adolescent. Jason Circle, Ottawa Middle School, will accept the proclamation. *p. 7*
- c. An ordinance for the adoption of amendments to Article 24, Supplemental District Regulations, 24-6 Accessory Uses. *pp. 8-9*
- d. An application for a tax abatement for Monoflow International and a request to call a public hearing on November 7, 2012 at 7:00 pm the purpose of considering the proposed tax abatement. Pete Heaven, legal counsel for Monoflow, will be present to answer questions. *pp. 10-21*
- e. A recommendation to accept the KDOT agreement for the intersection improvements at K-68 and Davis Road. *pp. 22-35*
- f. Acknowledgement of the winners of the Fifth Annual Ottawa Photo Contest, sponsored by the Planning and Codes department, and recognition of the winner of Mayor's Choice Award. *p. 36*

III. Items for Presentation and Discussion

- a. August 2012 Monthly Financial and Activity Report *pp. 37-75*
- b. City Manager's Report
- c. Commissioners' Reports
- d. Mayor's Report

2012 Priorities

Streets & Sidewalk Improvements • Economic Development • Parks • Business Development • Citizen Relations

IV. Announcements

October 17, 2012	NEXT REGULAR MEETING , 9:30 am
October 22, 2012	Study Session, 4:00 pm
October 29, 2012	Study Session, 4:00 pm
October 30, 2012	Special Call Meeting, League of Kansas Municipalities Regional Supper, 6:00 pm, Hollywood Casino, 777 Hollywood Casino Boulevard, Kansas City, KS
November 5, 2012	Study Session, 4:00 pm
November 7, 2012	Regular Meeting, 7:00 pm
November 12, 2012	Veterans' Day (observed), City offices closed
November 12, 2012	Study Session CANCELED
November 19, 2012	Study Session, 4:00 pm
November 19, 2012	Special Call Meeting, 5:30 pm
November 21, 2012	Regular Meeting CANCELED
November 22-23, 2012	Thanksgiving holiday, City offices closed
November 26, 2012	Study Session, 4:00 pm
November 27, 2012	Annual Legislative Dinner, 5:30 pm, Neosho County Community College, 900 E. Logan

V. Adjourn

**CITY COMMISSION
Regular Meeting Minutes
Commission Chambers
101 S. Hickory, Ottawa, Kansas
Minutes of September 19, 2012**

The City Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Jorgensen, Commissioner Richards, Commissioner Reed, Commissioner Ramsey, and Commissioner Caylor. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience and led the Pledge of Allegiance to the American flag and the invocation was given by Director of Planning/Codes/Inspections Wynndee Lee.

Consent Agenda

Commissioner Ramsey made a motion, seconded by Commissioner Richards, to approve the consent agenda. The consent agenda included the agenda and minutes from the August 20, August 27 and September 10, 2012 Study Sessions; the August 22, 2012 Special Call meeting; and the September 5, 2012 Regular Meeting. The motion was considered and upon being put, all present voted aye. The Mayor declared the Consent Agenda duly approved.

Public Comments

The Governing Body heard from Over the Road Gang representative Ed Clark who thanked the City for their support of the Ol' Marais River Run car show and presented the Mayor with a plaque.

Mayor Jorgensen read an email from Kim Blacketter, Oklahoma, who recently attended the car show and praised the city for its cleanliness and sense of community.

Declaration

The Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

Third Quarter Recognition of City Employees

The Governing Body acknowledged third quarter recognition of city employees. Employees recognized have been promoted or have recently completed educational and professional development programs, and those who are new to the City. The following employees were recognized:

Zachary Bachert – Police

Zachery earned a Bachelors of Music Education from the University of Kansas School of Music.

September 19, 2012

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Luke Lohmeyer – Fire

Luke joined the City of Ottawa as a Firefighter-EMT on July 30, 2012. (Not present)

Deborah Smith – Municipal Court

Deborah joined the City as Assistant Municipal Court Clerk on June 5, 2012.

Joshua Roberts – Public Works/Streets

Joshua started with the City of Ottawa on July 30, 2012 as a Laborer/Maintenance Worker I.

Ryan Sink – Public Works/Streets

Ryan joined the City as Laborer/Maintenance Worker I on July 23, 2012.

Betty Simpson – Finance

Betty started with the City of Ottawa on June 25, 2012 as Clerk I.

Proclamation-Constitution Week

Mayor Jorgensen read a proclamation recognizing Constitution Week. Constitution Week is an official week to commemorate the anniversary of the creation of the world's longest-lived written Constitution. Chapter Vice-Regent of the General Edward Hand Chapter of the Daughters of the American Revolution Dee Ellen Kruzel accepted the proclamation and thanked the Governing Body for recognizing Constitution Week.

Proclamation-National Community Planning Month

Mayor Jorgensen read a proclamation recognizing October 2012 as National Community Planning Month. October is National Community Planning Month, a time that the American Planning Association uses to focus on the important role of planners and planning in communities across the United States. Chairperson of the Planning Commission Ruthanne Wasko accepted the proclamation and thanked the Governing Body.

Director of Planning/Codes/Inspections Wynndee Lee explained each Planning Commissioner will receive a proclamation. Mrs. Lee encouraged everyone to participate in the 2012 Ottawa Photo Contest and submit photos by September 26, 2012 at 5 pm.

Ordinance-License Fees for Itinerant Businesses

The Governing Body reviewed an ordinance establishing the license fees for itinerant businesses; repealing Section 11-401A, Article IV of Chapter 11 of the Municipal Code of the City of Ottawa, Kansas. Commissioner Caylor made a motion, seconded by Commissioner Reed, to adopt the ordinance.

During discussion it was explained this ordinance updates the fees associated with soliciting in the City of Ottawa from \$25 annually per individual to \$100 daily per individual. These fees are applicable to each individual acting as a solicitor conducting non-local door-to-door-type sales and solicitations. Local non-profit charitable, service, or educational organizations are not subject to these fees.

The Governing Body heard from City Manager Richard Nienstedt who explained Director of Finance Scott Bird provided a survey of surrounding cities and their fees. The motion was considered and upon being put, all present voted aye. The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3827-12.

Applications-Neighborhood Revitalization Program

The Governing Body reviewed a request to approve two applications for properties located at 603 South Hickory and 504 North Mulberry to participate in the Neighborhood Revitalization Program. Commissioner Richards made a motion, seconded by Commissioner Ramsey, to approve the request.

During discussion it was explained the applications have been received and reviewed by the Neighborhood Revitalization Program Review Committee and have been recommended for participation in this tax rebate program designed to support property improvements in the established Neighborhood Revitalization District. Final approval for inclusion in this program must come from all three taxing entities: the City, the County, and USD 290. This request seeks City approval only.

The Governing Body heard from Director of Planning/Codes/Inspections Wynndee Lee who provided an overview of the Neighborhood Revitalization Program rebate structure and explained this approval only applies to eligibility and the property owner must complete the project and comply with the program to receive the rebate. Commissioner Richards explained the County and USD 290 both have representatives on the Neighborhood Revitalization Committee and had input.

Project-Fiber Optic Broadband Network

The Governing Body reviewed a request to develop a fiber optic broadband network project. Commissioner Caylor made a motion, seconded by Commissioner Reed, to approve the request.

During discussion it was explained preliminary discussions have been conducted to determine the feasibility of developing a fiber optic broadband utility for the purpose of providing broadband access to community partners. This request approves the continued development of the proposed project but commits no funding at this time. The motion was considered and upon being put, all present voted aye. The Mayor declared the request duly approved.

The Governing Body heard from Franklin County Development Council Interim Director Blaine Finch who provided a brief overview of the proposed project and answered questions from the Governing Body. The motion was considered and upon being put, all present voted aye. The Mayor declared the request duly approved.

City Manager's Report

City Manager Richard Nienstedt reported on the following:

- September 19, 2012: Joint City/County/USD 290 Luncheon at City Hall Commission Chambers, 101 S Hickory, at Noon

Commissioners' Reports

Commissioner Richards reported on the following:

- Monday, September 24, 2012: Constitution Day

Commissioner Reed reported on the following:

- She recently read an article in the Ottawa Herald by Ottawa High School Principal Ryan Cobbs about showing commitment to local schools and having community pride.
- September 28, 2012: Ottawa High School Homecoming

Commissioner Caylor reported on the following:

- She invited everyone to join her family this Saturday, September 22, 2012 at Grace Community Fellowship from 7:30 am – 10:30 am for a Chris' Cakes pancake fundraiser for William Cunningham born with a rare heart defect.

Mayor's Report

Mayor Jorgensen thanked everyone for allowing him to serve as Mayor this year.

Announcements

Mayor Jorgensen made the following announcements:

- September 19, 2012: Joint City/County/USD 290 Luncheon at City Commissioner Chambers, City Hall, 101 S Hickory, at Noon
- September 24, 2012: Study Session at 4 pm
- October 1, 2012: Study Session at 4 pm
- October 3, 2012: Next Regular Meeting at 7 pm

Adjournment

There being no further business to come before the Governing Body, Commissioner Reed made a motion, seconded by Commissioner Richards, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. The Mayor declared the meeting duly adjourned at 10:16 am.

Carolyn S. Snethen, City Clerk
September 19, 2012

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PROCLAMATION



WHEREAS, the period of early adolescence (10-to-15-year olds) is a distinct, developmental period between childhood and full adolescence; and

WHEREAS, this period has been little understood nor its importance recognized; and

WHEREAS, youth between the ages of approximately 10- to 15-year olds undergo more extensive physical, mental, social, moral and emotional changes, with the possible exception of infancy, than at any other time of life; and

WHEREAS, the attitudes and values young adolescents develop during these formative years largely determine their later behavior; and

WHEREAS, parents continue as primary models and guides, even as young adolescents give increased attention to peer groups; and

WHEREAS, the community itself is also a "classroom" in which young adolescents learn many lessons; and

WHEREAS, much valuable information and research about this important age group now exists and should be circulated;

NOW, THEREFORE, the Governing Body of the City of Ottawa does hereby proclaim the month of October to be the:

MONTH OF THE YOUNG ADOLESCENT

and encourages the citizens of Ottawa to join the celebration by extending their knowledge about these critical years and undertaking actions that will support the healthy development of young adolescents.

SIGNED this 17th day of October 2012.

Blake Jorgensen, Mayor

STAFF MEMORANDUM

Target Meeting Date: October 17, 2012

TO: Richard Nienstedt, City Manager
FROM: Wynndee S. Lee, AICP, Director of Planning & Codes Administration
DATE: October 11, 2012
SUBJECT: **An Ordinance** for the adoption of amendments to Article 24, Supplemental District Regulations, 24-6 Accessory Uses.

Comments: The City of Ottawa's Planning Commission reviewed the amendments and held a public hearing. There were no public comments. Below are the amendments and the new language is in bold.

Over the years, staff has received several comments and requests related to allow larger accessory structures. The Planning Commission deliberated this issue at length over the past two months. Research done by staff shows that our current regulations are not out of scope with other cities, however the Planning Commission indicated that for larger parcels allowing larger structures did not seem to be unreasonable.

SECTION 24-6 ACCESSORY USES

27-601(b-1-a)

- a. Private garages or carports or any combination thereof, not to exceed the lesser of (a) one thousand two hundred (1,200) square feet in area or (b) the ~~ground~~ floor area of the residential building. **For lots 1/2 acre in size or larger an additional building no greater than 800 square feet may be permitted.**
- h. **For all permitted accessory uses the maximum building height shall be twenty-five (25) feet, as measured from the ridgeline.**

The Planning Commission recommends to the City Commission to approve the amendments to the Accessory Uses by a 6-0 vote.

AN ORDINANCE AMENDING ARTICLE 24, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 24-6 ACCESSORY USES, FOR THE CITY OF OTTAWA ZONING REGULATIONS.

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

Section 1. AMENDMENTS TO ARTICLE 24, SECTIONS 24-6, revising 24-601 (b-1-a) and adding letter h of the City of Ottawa Zoning Ordinance #3501-05 are hereby changed to read as follows:

**ARTICLE 24
ACCESSORY USES**

SECTION 24-6 ACCESSORY USES

27-601(b-1-a)

- a. Private garages or carports or any combination thereof, not to exceed the lesser of (a) one thousand two hundred (1,200) square feet in area or (b) the floor area of the residential building. For lots 1/2 acre in size or larger an additional building no greater than 800 square feet may be permitted.
- h. For all permitted accessory uses the maximum building height shall be twenty-five (25) feet, as measured from the ridgeline.

Section 2. SEVERABILITY. Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

Section 3. REPEALER. Previous ordinances and any parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. EFFECTIVE DATE; PUBLICATION. This Ordinance shall take effect amending the Zoning Ordinance #3501-05 for the City of Ottawa, Kansas, and be in full force from and after its publication in the official city newspaper.

PASSED AND ADOPTED by the governing body of the City of Ottawa, Kansas, this _____ day of _____, 2012.

Mayor

Attest:

City Clerk

INTEROFFICE MEMORANDUM

TO: RICHARD U. NIENSTEDT, CITY MANAGER AND THE HONORABLE GOVERNING BODY
FROM: SCOTT D. BIRD, DIRECTOR OF FINANCE, ON BEHALF OF THE ADMINISTRATIVE REVIEW COMMITTEE
SUBJECT: TAX ABATEMENT REQUEST
DATE: 10/10/2012

Please find attached, a Cost Benefit Analysis (CBA) conducted for the City on behalf of a tax abatement application submitted by Monoflo International. As has been recently reported, Monoflo is a corporation in the business of manufacturing plastic containers that has recently purchased the former Kennel Aire building located at 1550 Davis Avenue and is currently in the process of remodeling the building in order to begin production.

The City's Administrative Review Committee comprised of representatives from the City, County, School District and the Franklin County Development Council, (FCDC) met in September to consider the application and reviewed the CBA, which was prepared by the State of Kansas. During discussion consideration was given to the fact that Monoflo expects to employ 65 persons within the first five years of production.

As illustrated by the CBA, the payback for a 65% abatement is estimated to provide the city a 6.25 to 1 benefit to cost ratio over the ten year abatement period, (see page 5 of the attached report), which is more than enough to meet the City's benchmark of 1.30 to 1 benefit/cost. Therefore, In accordance with City policy, the Review Committee recommends a ten-year abatement at 65% to be spread evenly over the duration of the ten year abatement period, (See Chart below). It should be pointed out that during negotiations, Monoflo agreed to a Payment in Lieu of Tax (PILOT) equivalent to 10% of total taxes or approximately \$9,300/year, for a total over the lifetime of the abatement of approximately \$93,000. The result provides Monoflo with a net abatement of 55%.

The committee's intention in proposing the PILOT is for the purpose of building an Economic Development Fund with FCDC. The long term goal is to develop a fund that will continue to assist in the effort to bring new jobs to the Ottawa/Franklin County community. The objective of the committee is to use this as a model to be followed in the future. That is to say, future abatement contracts will be negotiated to include similar PILOTs in an effort to build a revolving fund that could potentially become self perpetuating as future development opportunities present themselves and in turn pay into the account.

Recommendation: That approval be given to move forward with a Notice of Public Hearing, and said Public Hearing be set to be conducted on November 7, 2012 at 7 pm, for the purpose of considering the proposed tax abatement for Monoflo International.

<u>Chart 1</u>			
	Abatement	PILOT	Net
Year 1	65%	10%	55%
Year 2	65%	10%	55%
Year 3	65%	10%	55%
Year 4	65%	10%	55%
Year 5	65%	10%	55%
Year 6	65%	10%	55%
Year 7	65%	10%	55%
Year 8	65%	10%	55%
Year 9	65%	10%	55%
Year 10	65%	10%	55%
Average	65%	10%	55%

Attachments: Cost Benefit Analysis

A Tax Abatement Cost-Benefit Analysis of Monoflo International

The firm is located in: **City of Ottawa**

Report Printed: 10/10/2012

Description of the firm's location or expansion in the community:

To expand operations to Ottawa, to be more cost effective and better serve the Midwest and West Coast.

This report includes an analysis of costs and benefits from the firm for the following taxing entities where the firm is or will be located. These taxing entities are considering tax abatements or incentives for the firm:

City:	Ottawa
County:	Franklin
School District:	Ottawa USD #290
Special Taxing District:	Frontier Extension
State of Kansas	

Contents of this report:

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Summary of Costs and Benefits for all Taxing Entities	Page 5	
The Economic Impact that the Firm will have on the Community	Page 6	
Costs and Benefits for:		
City:	Ottawa	Page 7
County:	Franklin	Page 8
School District:	Ottawa USD #290	Page 9
Special Taxing District:	Frontier Extension	Page 10
State of Kansas		Page 11

This Kansas Tax Abatement Cost Benefit Analysis (CBA) is prepared by the Kansas Department of Commerce for the benefit and use of the State of Kansas and its local units of government. This model was developed to assess the costs and benefits property tax abatement and economic development incentives have on state revenues. The Department of Commerce makes no representations, guarantees, or warranties as to the accuracy, completeness, or suitability of the analysis or information contained in this CBA. The Kansas Department of Commerce specifically disclaims any and all liability for any claims or damages that may result from other uses of the analysis in this CBA.

About this Cost-Benefit Analysis Report

This cost-benefit analysis report was prepared using a computer program that analyzes economic and fiscal impact. The report shows the impact that the firm, its employees and workers in spin-off jobs will have on the community and the state.

The economic impact over the next ten years is calculated along with the accompanying public costs and benefits for the State of Kansas and the taxing entities included in this analysis.

The analysis also shows the effect of tax abatements and incentives that may be considered for the firm.

Here is how the analysis was performed:

1. Data was entered for the state and community's tax and other rates; the firm and its employees; tax abatements and other incentives being considered for the firm; construction activity; and expected visitors.
2. Using the data entered, as well as some rates built into the computer program, calculations were made of the economic impact of the firm along with the related costs and benefits.

The calculations of impact include direct, indirect and induced impact. Regional economic multipliers, specific to the firm's industry group, were used by the program to calculate the direct and induced or spin-off jobs and earnings in the community.

These are the report sections:

Summary of Costs and Benefits for all Taxing Entities

This report page summarizes the costs and benefits for all taxing entities resulting from the firm and from new direct, indirect and induced jobs.

The Economic Impact that the Firm will have on the Community

This report page shows the number of direct, indirect and induced jobs that will be created in the community, the number of new residents and additional school children, and increases in local personal income, retail sales, economic activity and the property tax base in the first year and over the next ten years.

Benefits and Costs for Each Taxing Entity

These report pages summarize the costs and benefits for the State of Kansas and for each taxing entity as a result of the firm locating or expanding in the Kansas community.

The public benefits include additional revenues from the firm and employees for the taxing entities - - sales taxes, property taxes, utilities, utility franchise fees, other payments by new residents, Payments in lieu of taxes (PILOT) by the firm and additional school funding. Public costs include the additional costs of public services for new residents and the firm, costs of educating new students that move to the school district, along with tax abatements and incentives provided to the firm.

In addition to a presentation of public costs and benefits, this report also computes the present value of net benefits to be received by each taxing entity; the payback period for incentives and taxes to be abated; the rate of return on investment for each entity, and, cost benefit ratios.

Payback Period

The investment payback period for each taxing entity was computed. This analysis views the financial incentives, including tax abatement, that the taxing entities are considering for the firm as an investment that the public will be making in the company. The payback period, therefore, is the number of years that it will take each taxing entity to recover the cost of incentives from the net annual benefits that they will receive. This payback period also shows the point in time where the cost and benefits are equal for the level and length of tax abatements and incentives being granted. The payback period is a basis for judging the appropriateness of providing incentives to a firm. Generally, the shorter the payback period the better the investment.

Present Value

The present value of the expected cash flow over the next ten years for each entity was computed. Present value is a way of expressing in today's dollars, dollars to be paid or received in the future. Today's dollar and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. The analysis uses a discount rate that is entered to make the dollars comparable—by expressing them in today's dollars (present value). Generally, a positive present value indicates an acceptable investment.

Rate of Return on Investment

The rate of return on investment for each taxing entity was also computed. As with the computation of payback, the rate of return analysis views the incentives that each taxing entity is considering as an investment that the public will be making in the company. The rate of return, therefore, is the compound rate of return, over the next ten years, on each taxing entity's investment in the firm. Generally, a positive compound rate of return is considered desirable.

Benefit to Cost Ratio

The benefit to cost ratio for each taxing entity was also computed. This ratio compares public benefits over a ten year period from the new or expanding firm to public costs during the same period. For example, a benefit to cost ratio of 1.55 (or 1.55 to 1) shows that ten year benefits are 155 percent of public costs. Conversely, a benefit to cost ratio of .75 shows that public benefits are only 75 percent of public costs --costs exceed benefits. Generally, a benefit to cost ratio of 1.30 to 1 is considered acceptable for a taxing entity to grant tax abatements and other financial incentives to a firm.

How were the benefits and costs determined?

City, County, Special Taxing District and State Benefits and Costs

The Cost Benefit Analysis (CBA) operates with the assumption that 70% of the jurisdiction's revenues and expenditures supports its citizens, and 30% supports its businesses. Therefore, 70% of the revenues/costs (divided by number of residents) are calculated as the average revenue/cost per resident; 30% of these revenues/costs (divided by the number of workers in the jurisdiction) are calculated as the average revenue/cost per worker.

The CBA predicts potential benefits and costs from residents by multiplying the number of new employees moving to the jurisdiction by the average revenue/cost per resident. Benefits and costs from the business expansion are predicted by multiplying the average revenue/cost per worker.

Collection of sales taxes, transient guest taxes and property taxes as well as utility enterprises and franchise fees are potential benefits from an expansion.. Other revenues include fees, permits, license, and other charges.

The program predicts costs by removing utility enterprise expenditures and internal transfers from the general operating budget, and reducing the result to a cost per resident and a cost per worker.

School District Benefits and Costs

Property taxes as well as state and federal payments per full time student are used to predict benefits a school district may realize. The Kansas Department of Education condenses the school district's budget to a cost per student. One new student will not cause the addition of a new classroom or the hiring of another teacher, so it would not be fair to estimate the impact of new students using the average cost per student. The program utilizes a marginal cost per student (10% of the average cost per student, unless a different percentage is requested) to predict the cost to the district when a new student is added. Revenue per student is calculated from the amount of state and federal payment per student that the district receives.

The business predicts the average family size of new employees moving to the jurisdiction and the number of school age children in the family. The CBA can work with percentages, as in a family size of 2.5.

Indirect Jobs

The ripple or spin-off economic activity created by an expansion generates indirect or induced benefits. The number of jobs this activity generates depends largely on the type of business that is expanding and what types of jobs will be needed to support not only the business, but the new employees and their families. The program uses a default of 10% of the number of new employees to predict these jobs. The percentage can be adjusted, depending on community conditions, which also determine whether the indirect workers will be moving from out of state or out of county.

Formulas used in this analysis

- **Present Value** = (Total Benefits (for the year) ÷ 1+Discount Rate (5.5%))^{Number of Years Abated})
- **Compound Rate of Return** = ((Present Value of Total Costs ÷ Present Value of Total Benefits)^(1/Number of Years Abated))-1
- **Benefit to Cost Ratio** = Present Value of Total Benefits ÷ Present Value of Total Costs
- **Payback Period** = The point where total benefits equal or surpass total costs.

K.S.A. 79-213 (g) allows governmental bodies to seek assistance provided by the Kansas Department of Commerce (COMMERCE) in preparing an application requesting exemption from property taxes. COMMERCE prepared this cost benefit analysis as a service under this statute utilizing data gathered by the requesting governmental body, and makes no recommendation to the Board of Tax Appeals either for or against approval of a request for tax abatement.

Summary of Costs and Benefits for all Taxing Units

Benefits:

	Sales Taxes	Property Taxes	Utilities and Utility Franchise Fees	Corporate and Personal Income Taxes	Additional School Funding	Other Revenues (Including PILOT)	Total Benefits
City: Ottawa	\$160,098	\$254,688	\$137,270			\$1,181,098	\$1,733,154
County: Franklin	\$216,816	\$327,348				\$214,123	\$758,286
Ottawa USD #290		\$362,730			\$1,204,243		\$1,566,973
Frontier Extension		\$7,667				\$3,073	\$10,740
State of Kansas	\$818,622	\$8,723		\$1,720,396		\$609,413	\$3,157,154

Costs, Incentives and Taxes Abated:

	Costs of Services for the Firm and New Residents	Costs of Educating New Students	Taxes Abated	Incentives	Total Taxes Abated & Incentives	Total Costs
City: Ottawa	\$108,743		\$162,916	\$0	\$162,916	\$271,659
County: Franklin	\$140,866		\$209,541	\$0	\$209,541	\$350,406
Ottawa USD #290		\$137,433	\$232,189		\$232,189	\$369,622
Frontier Extension	\$2,998		\$0		\$0	\$2,998
State of Kansas	\$441,896	\$0	\$5,589	\$0	\$5,589	\$447,485

Net Benefits:

	Total Benefits	Present Value of Total Benefits	Total Costs (Includes Taxes Abated and Incentives)	Present Value of Total Costs	Benefit to Cost Ratio (Over 10 Years)
City: Ottawa	\$1,733,154	\$1,236,111	\$271,659	\$197,904	6.25 : 1
County: Franklin	\$758,286	\$550,695	\$350,406	\$255,391	2.16 : 1
Ottawa USD #290	\$1,566,973	\$1,120,569	\$369,622	\$267,809	4.18 : 1
Frontier Extension	\$10,740	\$7,891	\$2,998	\$2,134	3.7 : 1
State of Kansas	\$3,157,154	\$2,261,171	\$447,485	\$318,647	7.1 : 1

Other

	Net Benefits	Present Value of Net Benefits	Taxes Abated & Incentives	Present Value of Taxes Abated and Incentives	Payback Period for Taxes Abated and Incentives and Taxes Abated	Compound Rate of Return (Over 10 Yrs)
City: Ottawa	\$1,461,495	\$1,040,617	\$162,916	\$121,211	2 Years	20.10%
County: Franklin	\$407,880	\$295,304	\$209,541	\$156,853	4 Years	7.99%
Ottawa USD #290	\$1,197,351	\$852,760	\$232,189	\$172,751	3 Years	15.39%
Frontier Extension	\$7,742	\$5,758	\$0	\$0	N/A	13.97%
State of Kansas	\$2,709,669	\$1,942,072	\$5,589	\$4,158	1 Year	21.65%

The Economic Impact of this expansion by Monoflo International

NAICS Code 326199 - Plastics and rubber products manufacturing

	<u>In the first year</u>	<u>Over the next ten years</u>
*Number of new direct and indirect jobs to be created	31	127
Number of new residents in the community	0	0
Number of additional students in the local school district	1	12
**Increase in local personal income	\$934,709	\$35,995,153
***Increase in local retail sales	\$327,148	\$12,598,304
Increase in the community's property tax base	\$3,802,000	\$4,958,538
Land	\$200,000	\$260,955
Buildings	\$1,800,000	\$2,348,592
Furniture, fixtures & Equipment	\$2,000	\$400
Residential Property	\$403	\$15,755

*The Employment Multiplier for NAICS Code 326199 is 2.0753. The Employment Multiplier is used to estimate the total change in the number of direct and indirect jobs as a result of the expansion.

**The Earnings Multiplier for NAICS Code 326199 is 1.9193. The Earnings Multiplier is used for estimating to what degree more personal income will be generated.

***The Percentage of Gross Salaries expected to be spent on retail sales is 0.35

Property taxes to be abated by the following taxing entities:

City	<input checked="" type="checkbox"/>	Special Taxing District 1	<input type="checkbox"/>
County	<input checked="" type="checkbox"/>	Special Taxing District 2	<input type="checkbox"/>
School District	<input checked="" type="checkbox"/>	The State	<input checked="" type="checkbox"/>

Percent of property taxes to be abated on:

	Land	Buildings and Improvements	Furniture, Fixtures & Equipment
Year 1	65.00%	65.00%	0.00%
Year 2	65.00%	65.00%	0.00%
Year 3	65.00%	65.00%	0.00%
Year 4	65.00%	65.00%	0.00%
Year 5	65.00%	65.00%	0.00%
Year 6	65.00%	65.00%	0.00%
Year 7	65.00%	65.00%	0.00%
Year 8	65.00%	65.00%	0.00%
Year 9	65.00%	65.00%	0.00%
Year 10	65.00%	65.00%	0.00%

City of: Ottawa

Benefits:

Year	Sales Taxes	Property Taxes	Utilities and Utility Franchise Fees	Other Municipal Revenues (Including PILOT)	Total
Construction Period	\$1,216	\$0	\$75	\$0	\$1,290
1	\$6,672	\$21,903	\$7,504	\$26,829	\$62,908
2	\$7,641	\$22,593	\$8,498	\$48,112	\$86,845
3	\$11,489	\$23,417	\$9,616	\$73,596	\$118,118
4	\$14,795	\$24,117	\$11,167	\$107,108	\$157,187
5	\$19,571	\$24,956	\$12,608	\$135,826	\$192,962
6	\$19,631	\$25,804	\$13,869	\$139,901	\$199,204
7	\$19,691	\$26,657	\$15,256	\$144,098	\$205,702
8	\$19,754	\$27,651	\$16,781	\$148,421	\$212,608
9	\$19,819	\$28,369	\$18,459	\$152,874	\$219,521
10	\$19,819	\$29,220	\$23,437	\$204,333	\$276,809
Total	\$160,098	\$254,688	\$137,270	\$1,181,098	\$1,733,154

Costs:

Year	Property Taxes Abated	Incentives	Taxes Abated & Incentives	City Costs for the firm and Municipal Services for New Residents	Total Costs, Taxes Abated & Incentives
Construction Period	\$0	\$0	\$0	\$0	\$0
1	\$14,211	\$0	\$14,211	\$2,470	\$16,681
2	\$14,638	\$0	\$14,638	\$4,430	\$19,067
3	\$15,077	\$0	\$15,077	\$6,776	\$21,853
4	\$15,529	\$0	\$15,529	\$9,861	\$25,390
5	\$15,995	\$0	\$15,995	\$12,505	\$28,500
6	\$16,475	\$0	\$16,475	\$12,881	\$29,355
7	\$16,969	\$0	\$16,969	\$13,267	\$30,236
8	\$17,478	\$0	\$17,478	\$13,665	\$31,143
9	\$18,002	\$0	\$18,002	\$14,075	\$32,077
10	\$18,542	\$0	\$18,542	\$18,813	\$37,355
Total	\$162,916	\$0	\$162,916	\$108,743	\$271,659

Net Benefits (or Costs)

Year	Public Benefits	Public Costs, Property Taxes Abated and Incentives	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of taxes abated and incentives
Construction Period	\$1,290	\$0	\$1,290	\$1,290	\$0
1	\$62,908	\$16,681	\$46,227	\$46,227	\$13,470
2	\$86,845	\$19,067	\$67,778	\$60,895	\$13,151
3	\$118,118	\$21,853	\$96,266	\$81,981	\$12,840
4	\$157,187	\$25,390	\$131,797	\$106,388	\$12,535
5	\$192,962	\$28,500	\$164,461	\$125,835	\$12,238
6	\$199,204	\$29,355	\$169,849	\$123,182	\$11,948
7	\$205,702	\$30,236	\$175,466	\$120,622	\$11,665
8	\$212,608	\$31,143	\$181,465	\$118,242	\$11,389
9	\$219,521	\$32,077	\$187,444	\$115,771	\$11,119
10	\$276,809	\$37,355	\$239,454	\$140,184	\$10,855
Total	\$1,733,154	\$271,659	\$1,461,495	\$1,040,617	\$121,211

Discounted payback period for taxes abated and incentives	2 Years
Compound rate of return over the next ten years on the city's investment of taxes abated and incentives for the firm	20.10%
Benefit/Cost Ratio (Over 10 Years).....	6.25 : 1

Franklin County

Benefits:

Year	Sales Taxes	Property Taxes	Other County Revenues (Including PILOT)	Total
Construction Period	\$1,658	\$0	\$0	\$1,658
1	\$7,598	\$28,170	\$4,974	\$40,743
2	\$10,420	\$29,056	\$8,853	\$48,329
3	\$15,667	\$30,107	\$13,534	\$59,308
4	\$20,175	\$31,006	\$19,486	\$70,667
5	\$26,688	\$32,079	\$24,755	\$83,522
6	\$26,769	\$33,163	\$25,498	\$85,430
7	\$26,852	\$34,254	\$26,263	\$87,369
8	\$26,938	\$35,521	\$27,051	\$89,509
9	\$27,026	\$36,449	\$27,862	\$91,337
10	\$27,026	\$37,543	\$35,846	\$100,414
Total	\$216,816	\$327,348	\$214,123	\$758,286

Costs:

Year	Property Taxes Abated	Incentives	Taxes Abated & Incentives	County Costs for the firm and County Services for New Residents	Total
Construction Period	\$0	\$0	\$0	\$0	\$0
1	\$18,278	\$0	\$18,278	\$3,273	\$21,551
2	\$18,827	\$0	\$18,827	\$5,824	\$24,651
3	\$19,391	\$0	\$19,391	\$8,904	\$28,295
4	\$19,973	\$0	\$19,973	\$12,819	\$32,793
5	\$20,572	\$0	\$20,572	\$16,286	\$36,858
6	\$21,190	\$0	\$21,190	\$16,774	\$37,964
7	\$21,825	\$0	\$21,825	\$17,278	\$39,103
8	\$22,480	\$0	\$22,480	\$17,796	\$40,276
9	\$23,154	\$0	\$23,154	\$18,330	\$41,484
10	\$23,849	\$0	\$23,849	\$23,582	\$47,431
Total	\$209,541	\$0	\$209,541	\$140,866	\$350,406

Net Benefits (or Costs)

Year	Public Benefits	Public Costs, Property Taxes Abated and Incentives	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of taxes abated and incentives
Construction Period	\$1,658	\$0	\$1,658	\$1,658	\$0
1	\$40,743	\$21,551	\$19,192	\$18,191	\$18,278
2	\$48,329	\$24,651	\$23,678	\$21,274	\$16,915
3	\$59,308	\$28,295	\$31,013	\$26,411	\$16,514
4	\$70,667	\$32,793	\$37,875	\$30,573	\$16,123
5	\$83,522	\$36,858	\$46,664	\$35,704	\$15,741
6	\$85,430	\$37,964	\$47,466	\$34,424	\$15,368
7	\$87,369	\$39,103	\$48,266	\$33,180	\$15,003
8	\$89,509	\$40,276	\$49,233	\$32,080	\$14,648
9	\$91,337	\$41,484	\$49,853	\$30,791	\$14,301
10	\$100,414	\$47,431	\$52,983	\$31,018	\$13,962
Total	\$758,286	\$350,406	\$407,880	\$295,304	\$156,853

Discounted payback period for taxes abated and incentives	4 Years
Compound rate of return over the next ten years on the county's investment of taxes abated and incentives for the firm.....	7.99%
Benefit/Cost Ratio (Over 10 Years).....	2.16 : 1

School District: Ottawa USD #290

Benefits:

Year	Property Taxes	Additional State, Federal and Other School Funding (Including PILOT)	Total
1	\$31,215	\$21,742	\$52,957
2	\$32,196	\$44,789	\$76,985
3	\$33,361	\$69,198	\$102,559
4	\$34,358	\$118,790	\$153,148
5	\$35,546	\$146,825	\$182,371
6	\$36,747	\$151,230	\$187,977
7	\$37,957	\$155,767	\$193,723
8	\$39,360	\$160,440	\$199,800
9	\$40,389	\$165,253	\$205,642
10	\$41,601	\$170,210	\$211,811
Total	\$362,730	\$1,204,243	\$1,566,973

Costs:

Year	Additional Costs	Property Taxes Abated	Total
1	\$2,174	\$20,254	\$22,428
2	\$4,478	\$20,862	\$25,340
3	\$6,919	\$21,487	\$28,407
4	\$14,681	\$22,132	\$34,010
5	\$15,122	\$22,796	\$37,477
6	\$15,122	\$23,480	\$38,602
7	\$15,575	\$24,184	\$39,760
8	\$16,042	\$24,910	\$40,952
9	\$16,524	\$25,657	\$42,181
10	\$34,039	\$26,427	\$60,466
Total	\$137,433	\$232,189	\$369,622

Net Benefits (or Costs)

Year	Public Benefits	Total Costs and Property Taxes Abated	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of Taxes Abated
1	\$52,957	\$22,428	\$30,529	\$28,938	\$19,198
2	\$76,985	\$25,340	\$51,645	\$46,400	\$18,743
3	\$102,559	\$28,407	\$74,153	\$63,150	\$18,299
4	\$153,148	\$34,010	\$119,138	\$96,170	\$17,865
5	\$182,371	\$37,477	\$144,894	\$110,863	\$17,442
6	\$187,977	\$38,602	\$149,375	\$108,334	\$17,029
7	\$193,723	\$39,760	\$153,964	\$105,840	\$16,625
8	\$199,800	\$40,952	\$158,847	\$103,505	\$16,231
9	\$205,642	\$42,181	\$163,461	\$100,958	\$15,847
10	\$211,811	\$60,466	\$151,345	\$88,602	\$15,471
Total	\$1,566,973	\$369,622	\$1,197,351	\$852,760	\$172,751

Discounted payback period for taxes abated and incentives	3 Years
Compound rate of return over the next ten years on the school district's investment of taxes abated and incentives for the firm	15.39%
Benefit/Cost Ratio (Over 10 Years).....	4.18 : 1

Special Taxing District: Frontier Extension

Benefits:

Year	Property Taxes	Additional Revenues	Total
1	\$669	\$80	\$749
2	\$689	\$137	\$826
3	\$710	\$209	\$919
4	\$731	\$285	\$1,016
5	\$753	\$365	\$1,118
6	\$775	\$376	\$1,151
7	\$798	\$387	\$1,186
8	\$822	\$399	\$1,221
9	\$847	\$411	\$1,258
10	\$872	\$423	\$1,296
Total	\$7,667	\$3,073	\$10,740

Costs:

Year	Additional Costs	Property Taxes Abated	Total
1	\$78	\$0	\$78
2	\$134	\$0	\$134
3	\$204	\$0	\$204
4	\$278	\$0	\$278
5	\$356	\$0	\$356
6	\$367	\$0	\$367
7	\$378	\$0	\$378
8	\$389	\$0	\$389
9	\$401	\$0	\$401
10	\$413	\$0	\$413
Total	\$2,998	\$0	\$2,998

Net Benefits (or Costs)

Year	Public Benefits	Total Costs and Property Taxes Abated	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of Taxes Abated
1	\$749	\$78	\$671	\$636	\$0
2	\$826	\$134	\$692	\$622	\$0
3	\$919	\$204	\$715	\$609	\$0
4	\$1,016	\$278	\$738	\$596	\$0
5	\$1,118	\$356	\$762	\$583	\$0
6	\$1,151	\$367	\$784	\$569	\$0
7	\$1,186	\$378	\$808	\$555	\$0
8	\$1,221	\$389	\$832	\$542	\$0
9	\$1,258	\$401	\$857	\$529	\$0
10	\$1,296	\$413	\$883	\$517	\$0
Total	\$10,740	\$2,998	\$7,742	\$5,758	\$0

Discounted payback period for taxes abated and incentives	N/A
Compound rate of return over the next ten years on the taxing district's investment of taxes abated and incentives for the firm	13.97%
Benefit/Cost Ratio (Over 10 Years).....	3.7 : 1

State of Kansas

Benefits:

Year	Sales Taxes	Property Taxes	Corporate and Personal Income Taxes	Other State Revenues (Including PILOT)	Total
Construction Period	\$7,182		\$1,482	\$0	\$8,664
1	\$30,240	\$751	\$55,404	\$15,825	\$102,220
2	\$40,320	\$775	\$79,405	\$27,166	\$147,666
3	\$60,480	\$800	\$120,488	\$41,412	\$223,181
4	\$75,600	\$827	\$157,852	\$56,489	\$290,767
5	\$100,800	\$856	\$208,510	\$72,432	\$382,598
6	\$100,800	\$884	\$210,405	\$74,605	\$386,695
7	\$100,800	\$914	\$212,358	\$76,843	\$390,915
8	\$100,800	\$943	\$214,369	\$79,149	\$395,261
9	\$100,800	\$972	\$228,809	\$81,523	\$412,104
10	\$100,800	\$1,001	\$231,314	\$83,969	\$417,084
Total	\$818,622	\$8,723	\$1,720,396	\$609,413	\$3,157,154

Costs:

Year	Property Taxes Abated	Incentives	Taxes Abated & Incentives	State Costs for the firm and Services for New Residents	Cost of Educating New Students	Total
Construction Period	\$0	\$0	\$0	\$0	\$0	\$0
1	\$488	\$0	\$488	\$11,475	\$0	\$11,963
2	\$502	\$0	\$502	\$19,699	\$0	\$20,201
3	\$517	\$0	\$517	\$30,029	\$0	\$30,546
4	\$533	\$0	\$533	\$40,961	\$0	\$41,494
5	\$549	\$0	\$549	\$52,522	\$0	\$53,071
6	\$565	\$0	\$565	\$54,098	\$0	\$54,663
7	\$582	\$0	\$582	\$55,720	\$0	\$56,303
8	\$600	\$0	\$600	\$57,392	\$0	\$57,992
9	\$618	\$0	\$618	\$59,114	\$0	\$59,731
10	\$636	\$0	\$636	\$60,887	\$0	\$61,523
Total	\$5,589	\$0	\$5,589	\$441,896	\$0	\$447,485

Net Benefits (or Costs)

Year	Public Benefits	Public Costs, Property Taxes Abated and Incentives	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of taxes abated and incentives
Construction Period	\$8,664	\$0	\$8,664	\$8,212	\$0
1	\$102,220	\$11,963	\$90,257	\$85,552	\$462
2	\$147,666	\$20,201	\$127,465	\$114,521	\$451
3	\$223,181	\$30,546	\$192,635	\$164,050	\$440
4	\$290,767	\$41,494	\$249,274	\$201,218	\$430
5	\$382,598	\$53,071	\$329,527	\$252,132	\$420
6	\$386,695	\$54,663	\$332,032	\$240,805	\$410
7	\$390,915	\$56,303	\$334,612	\$230,025	\$400
8	\$395,261	\$57,992	\$337,269	\$219,764	\$391
9	\$412,104	\$59,731	\$352,373	\$217,636	\$381
10	\$417,084	\$61,523	\$355,560	\$208,156	\$372
Total	\$3,157,154	\$447,485	\$2,709,669	\$1,942,072	\$4,158

Discounted payback period for taxes abated and incentives	1 Year
Compound rate of return over the next ten years on the state's investment of taxes abated and incentives for the firm	21.65%
Benefit/Cost Ratio (Over 10 years).....	7.1 : 1

CITY OF OTTAWA, KANSAS
MEMORANDUM

TO: City Manager and Commission
FROM: Andy Haney
SUBJECT: KDOT Agreement 210-12 (K68 @ Davis Intersection)
DATE: October 2, 2012

Attached please find a copy of the subject agreement, which is the next administrative step in completing the improvement project. We request that the Mayor be authorized to sign the agreement (p. 10).

This agreement provides for those details which have previously been discussed with the Commission. Most significantly, in paragraph 1 (p.1) the Secretary of Transportation agrees to reimburse the City of Ottawa for 100% of the total actual construction costs, up to a maximum of \$1,461,000. This amount is sufficient to cover the full cost as determined by the project engineer in his most recent estimate.

Through a previous agreement, KDOT also has paid for the necessary design engineering, which is being completed by Professional Engineering Consultants (PEC). Those engineering plans are undergoing the final administrative steps to be formally approved by KDOT, with no significant hurdles anticipated.

The administrative process will be complete upon full execution of this agreement, and upon receiving KDOT authority for the City of Ottawa to let the project to bid. We anticipate bidding this project this winter (December is likely), which we hope will result in favorable bids.

The administrative steps completed by City of Ottawa staff and PEC to date include:

- working together to ensure as best we could that the intent of the City of Ottawa is accomplished by the engineering design;
- obtaining necessary environmental (and other) clearances from various state agencies;
- obtaining an appropriate permit from KDOT for the construction of the project;
- acquisition of 21 different parcels of real estate (permanent rights-of-way and easements and temporary construction easements) necessary for the improvement to be completed; and
- working with all public utilities to adjust according to the design, which KDOT requires to be completed prior to letting a project to bid;

This project will be constructed during CY 2013. Details related to the amount of time that will be allowed in the Contractor's agreement have not yet been determined. Staff and PEC will work with the selected contractor to expedite the project as much as possible.

PROJECT NO. 68-30 KA-1873-02
CONSTRUCTION
CITY OF OTTAWA, KANSAS

A G R E E M E N T

PARTIES: **MICHAEL S. KING, Secretary of Transportation,** Kansas Department of Transportation (KDOT), hereinafter referred to as the “Secretary,” and

The City of Ottawa, Kansas, hereinafter referred to as the “City,”

Collectively referred to as the “Parties.”

PURPOSE: The Secretary has authorized a Non-National Highway System and city street construction project, hereinafter referred to as the “Project.” The Secretary and the City are empowered by the laws of Kansas to enter into agreements for the construction and maintenance of city streets. The City desires to construct turn lanes and install a signal at K-68 and Davis Road. Cities are, under certain circumstances, entitled to receive assistance in the financing of the construction and reconstruction of streets and state highways. However, to be eligible for above mentioned financing, such work is required to be done in accordance with the laws of Kansas.

PROJECT: The Secretary and the City desire to enter into this Agreement for construction of the Project, which is described as follows:

Intersection improvements at K-68 & Davis Road to include widening for left turn lanes on K-68 and a westbound right turn lane, widening of Davis Road north of K-68 for a left turn lane, installing a traffic signal, constructing sidewalks on both sides of K-68 west of Davis Road and a shared use path east of Davis Road.

EFFECTIVE

DATE: The Parties, in consideration of the premises and to secure the approval and construction of the Project, mutually agree to perform in accordance with this Agreement on the ____ day of _____, 20__.

ARTICLE I

THE SECRETARY AGREES:

1. To reimburse the City for one-hundred percent (100%) of the total actual costs of construction (which includes the costs of all construction contingency items), but not to exceed \$1,461,000.00. The Secretary shall not be responsible for any construction (which includes the costs of all construction contingency items) costs that exceed \$1,461,000.00. The Secretary agrees to make partial payments to the City for amounts not less than \$1,000.00 and no more

frequently than monthly. Such payments will be made after receipt of proper billing and approval by a licensed professional engineer employed by the City that the Project is being constructed within substantial compliance of the plans and specifications. The Secretary shall not be responsible for the total actual costs of right of way acquisition, utility adjustments and construction engineering for the Project.

2. To design the Project or contract to have the Project designed in conformity with the state and federal design criteria appropriate for the Project in accordance with the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP) project memorandums, memos, the current KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Design's road memorandums, the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and with any necessary Project Special Provisions, and A Policy on Geometric Design of Highways and Streets of the American Association of State Highway and Transportation Officials Policy, the KDOT Corridor Management Policy, and the latest version, as adopted by the Secretary, of the Manual on Unified Traffic Control Devices (MUTCD), as applicable.

3. The consultant retained by the Secretary shall have the sole responsibility for the adequacy and accuracy of specifications, estimates, and necessary surveys, investigations or studies, including, but not limited to, environmental, hydraulic, and geological investigations or studies for the Project. Any review of these items performed by the Secretary or his or her representatives is not intended to and shall not be construed to be an undertaking of the consultant's duty to provide adequate and accurate specifications, estimates, and necessary surveys, investigations or studies, including, but not limited to, environmental, hydraulic, and geological investigations or studies for the Project. Such reviews are not done for the benefit of the consultant, the construction contractor, the City, or other political subdivision, nor the traveling public. The Secretary makes no representation, express or implied warranty to any person or entity concerning the adequacy or accuracy of the specifications, estimates, and necessary surveys, investigations or studies, including, but not limited to, environmental, hydraulic, and geological investigations or studies for the Project, or any other work performed by the consultant or the City.

ARTICLE II

THE CITY AGREES:

1. To review and accept the design plans, specifications, estimates, surveys, and any necessary studies or investigations, including, but not limited to, environmental, hydraulic, and geological investigations or studies for the Project, to let the contract for the Project, to construct the Project in accordance with the design plans and specifications, supervise the construction and administer the payments due the contractor, including the portion of cost borne by the Secretary. The City further agrees the specifications will require the contractor to provide a performance bond in a sum not less than the amount of the contract as awarded.

2. A duly appointed representative of the City is authorized to sign for the City any or all routine reports as may be required or requested by the Secretary in the completion of the

Project undertaken under this Agreement. Geological investigations or studies must be signed and sealed by either a licensed geologist or licensed professional engineer in accordance with K.S.A. 74-7042, who is responsible for the preparation of the geological investigations or studies. Right of way descriptions must be signed and sealed by a licensed land surveyor responsible for the preparation of the right of way descriptions.

3. It will, in its own name as provided by law, acquire by purchase, dedication or condemnation all of the right of way, easements and access rights shown on the final design plans in accordance with the schedule established by KDOT. The City agrees the necessary rights of way, easements, and access rights shall be acquired in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, and administrative regulations contained in 49 C.F.R. pt. 24, entitled Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. The City shall certify to the Secretary, on forms provided by the Bureau of Local Projects, such right of way, easements and access rights have been acquired. The City further agrees they will have recorded in the Office of the Register of Deeds all right of way deeds, dedications, permanent easements and temporary easements.

4. To contact the Secretary if there will be any displaced persons on the Project prior to making the offer for the property. The Parties mutually agree the Secretary will provide relocation assistance for eligible persons as defined in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, and as provided in 49 C.F.R. pt. 24, entitled Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, and in general accordance with K.S.A. 58-3501 to 58-3507, inclusive and Kansas Administrative Regulations 36-16-1 *et seq.*

5. To provide all legal descriptions required for right of way acquisition work. The City further agrees to acquire right of way in accordance with the laws and with procedures established by the Bureau of Right of Way and the Office of Chief Counsel of the KDOT. The City agrees copies of all documents including recommendations and coordination for appeal, bills, contracts, journal entries, case files or documentation requested by the Office of Chief Counsel will be sent to the Office of Chief Counsel within the time limits set by the Secretary.

6. If federal funds are used in the acquisition of the right of way, any disposal of or change in the use of right of way or in the access after Project construction will require prior written approval by the Secretary.

7. It will move or adjust, or cause to be moved or adjusted, and will be responsible for such removal or adjustment of all existing structures, pole lines, pipe lines, meters, manholes, and other utilities, publicly or privately owned, which may be necessary to construct the Project in accordance with the final design plans. New or existing utilities to be installed, moved or adjusted will be located or relocated in accordance with the current version of the KDOT Utility Accommodation Policy (UAP), as amended or supplemented.

Except as provided by state and federal laws, the expense of the removal or adjustment of the utilities located on public right of way shall be borne by the owners. The expense of the removal or adjustment of privately owned utilities located on private right of way or easement shall be borne by the City except as provided by state and federal laws.

8. It will expeditiously take such steps as are necessary to facilitate the early adjustment of utilities, will initiate the removal or adjustment of the utilities, and will proceed with reasonable diligence to prosecute this work to completion. The City further agrees to move or adjust or cause to be moved or adjusted all necessary utilities prior to the scheduled construction letting except those necessary to be adjusted during construction and those which would disturb the existing street surface. The City further agrees to certify to the Secretary on forms supplied by the Secretary all utilities are required to be moved prior to construction have either been moved or a date provided by the City as to when, prior to construction, they will be moved. The City will initiate and proceed to complete adjusting the remaining utilities not required to be moved during construction in order to ensure the contractor shall not be delayed in construction of the Project. The City will indemnify, hold harmless, and save the Secretary and the construction contractor for damages incurred by the Secretary and construction contractor because identified utilities have not been moved or adjusted timely or accurately.

9. To certify to the Secretary all privately owned utilities occupying public right of way required for the construction of the Project are permitted thereon by franchise, ordinance, agreement or permit and the instrument shall include a statement as to which Party will bear the cost of future adjustments or relocations required as a result of street or highway improvements.

10. It shall determine the manner in which traffic is to be handled during construction in accordance with the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD).

11. To let the contract for the Project and shall award the contract to the lowest responsible bidder upon concurrence in the award by the Secretary. The City further agrees to administer the construction of the Project in accordance with the final design plans, the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP) project memorandums, memos, the current KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Design's road memorandums, the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and with any necessary Project Special Provisions, and A Policy on Geometric Design of Highways and Streets of the American Association of State Highway and Transportation Officials Policy, the KDOT Corridor Management Policy, and the latest version, as adopted by the Secretary, of the Manual on Unified Traffic Control Devices (MUTCD), as applicable, and administer the payments due the contractor, including the portion of the cost borne by the Secretary and the City.

12. To the extent permitted by law and subject to the maximum liability provisions of the Kansas Tort Claims Act, the City will defend, indemnify, hold harmless, and save the Secretary and his or her authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property or claims of any nature whatsoever arising out

of or in connection with the provisions or performance of this Agreement by the City, the City's employees, agents, or subcontractors. The City shall not be required to defend, indemnify, hold harmless, and save the Secretary for negligent acts or omissions of the Secretary or his or her authorized representatives or employees.

13. To require the contractor to indemnify, hold harmless, and save the Secretary and the City from personal injury and property damage claims arising out of the act or omission of the contractor, the contractor's agent, subcontractors (at any tier), or suppliers (at any tier). If the Secretary or the City defends a third party's claim, the contractor shall indemnify the Secretary and the City for damages paid to the third party and all related expenses either the Secretary or the City or both incur in defending the claim.

14. To provide (or have provided by a consultant who is certified in construction inspection areas applicable to this Project) the construction inspection in accordance the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP) project memorandums, memos, the current KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Design's road memorandums, the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and with any necessary Project Special Provisions, and A Policy on Geometric Design of Highways and Streets of the American Association of State Highway and Transportation Officials Policy, the KDOT Corridor Management Policy, and the latest version, as adopted by the Secretary, of the Manual on Unified Traffic Control Devices (MUTCD), as applicable.

If the City does not have sufficient qualified engineering employees to accomplish the construction engineering inspection services on this Project, it may engage the professional services of a qualified consulting engineering firm to do the necessary construction engineering inspection services. However, any consultant retained must represent it is in good standing and full compliance with the statutes of the State of Kansas for registration of professional engineers, the Federal Highway Administration and all Federal agencies, provide personnel who are fully qualified to perform the services in a competent and professional manner, and provide the Secretary with a list of assigned inspectors and their certifications. The City may provide personnel who are fully qualified to perform the services in a competent and professional manner, but must provide the Secretary with a list of assigned inspectors and their certifications.

15. The City will require at a minimum all personnel, whether City or consultant to comply with the high visibility apparel requirements of the KDOT Safety Manual, Chapter 4, Section 8 Fluorescent Vests. If the City executes an agreement for inspection, the agreement shall contain this requirement as a minimum. The City may set additional clothing requirements for adequate visibility of personnel.

16. To be responsible for one hundred percent (100%) of the construction (which includes the costs of all construction contingency items) costs exceeding \$1,461,000.00. The City further agrees to be responsible for one hundred percent (100%) of the total actual costs for right of way acquisition, utility adjustments, and construction engineering for the Project.

17. To be responsible for one hundred percent (100%) of any Project costs incurred by the City for the Project prior to the funding for the Project being authorized, obligated, and approved by the Secretary.

18. To adopt an ordinance requiring the removal of all encroachments either on or above the limits of the right of way shown on the final design plans for this Project, and it will initiate and proceed with diligence to remove or require the removal of the encroachments. It is further agreed all such encroachments be removed before the Project is advertised for letting (provided, however, if the Secretary is satisfied, with respect to any encroachment, the physical removal thereof has been fully provided for between the City and the owner thereof and will be accomplished within a time sufficiently short to present no hindrance or delay to the construction of the Project, the Secretary may cause the Project to be advertised for letting before such encroachment is fully removed). The City further agrees it will not in the future permit the erection of gas and fuel dispensing pumps upon the right of way of the Project and will require any gas and fuel dispensing pumps erected, moved or installed along the Project be placed no less than twelve (12) feet back of the right of way line. All right of way provided for the Project shall be used solely for public street purposes and no signs, posters, billboards, roadside stands, fences, structures or other private installations shall be permitted within the right of way limits except as provided by state and federal laws.

19. To adopt all necessary ordinances and/or resolutions and to take such legal steps as may be required to give full effect to the terms of this Agreement.

20. To locate and be responsible for all costs necessary to remedy or clean up any hazardous waste site, including, but not limited to, leaking underground storage tanks discovered on right of way, easements and access rights acquired by the City. The City shall be responsible to the Secretary for all damages, fines or penalties, expenses, claims and costs incurred by the Secretary from any hazardous waste site discovered on right of way, easements and access rights acquired by the City prior to commencement of construction of the Project. The City shall take appropriate action to contain or remediate any identified hazardous waste site within the Project limits prior to letting of the Project. The City will investigate any and all hazardous waste sites discovered during construction of the Project on City owned land within the Project boundary and shall take appropriate action to contain or remediate such hazardous waste sites.

For any hazardous waste site, including, but not limited to, leaking underground storage tanks, the City shall hold harmless, defend and indemnify the Secretary, its agents and employees against and from all damages, expenses and costs incurred by any person, the State of Kansas, or the United States Government for determining and undertaking remedial action, any fines or penalties assessed under state or federal laws, contract claims, personal injury claims, and damage of or loss of natural resources.

It is specifically agreed between the Parties executing this Agreement any provision of this hazardous waste clause is not intended to make the public, or any member thereof, a third party beneficiary hereunder, or to authorize anyone not a party of this Agreement to maintain a suit for personal injuries, property damages, or hazardous waste claims. The duties,

obligations and responsibilities of the Parties to this Agreement with respect to third Parties shall remain as imposed by law.

The City, by signing this Agreement with the Secretary has not repudiated, abandoned, surrendered, waived or forfeited its right to bring any action, seek indemnification or seek any other form of recovery or remedy against any third party responsible for any hazardous waste on any right of way, easements, and access rights acquired by the City. The City reserves the right to bring any action against any third party for any hazardous waste site on any right of way, easements, and access rights acquired by the City.

The term hazardous waste includes, but is not limited to, any substance which meets the test of hazardous waste characteristics by exhibiting flammability, corrosivity, or reactivity, or which is defined by state and federal laws and regulations, and any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare. Any hazardous waste as defined by state and federal laws and regulations and amendments occurring after November 11, 1991, are incorporated by reference and include but not limited to: (1) 40 C.F.R. § 261 *et seq.*, Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristics Revisions; Final Rule; (2) 40 C.F.R. § 280 *et seq.*, Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules; (3) 40 C.F.R. § 300, National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule; and (4) K.S.A. 1990 Supp. 65-3431 *et seq.*, Hazardous Waste.

The standards to establish cleanup of a hazardous waste site include, but is not limited to, federal programs administered by the E.P.A., State of Kansas environmental laws and regulations, and City and County standards where the hazardous waste site is located.

21. To prohibit parking of vehicles on the city connecting link and on the acceleration and deceleration lanes of all connecting streets and highways and on additional portions of the connecting streets and highways the Secretary may deem necessary to permit free flowing traffic throughout the length of the improvement covered by this Agreement.

22. The arterial characteristics inherent in the Project require uniformity in information and regulations to the end that traffic may safely and expeditiously be served and shall adopt and enforce such rules and regulations governing traffic movements as may be deemed necessary or desirable by the Secretary.

23. To maintain the control of access rights and to prohibit the construction or use of any entrances or access points along the Project within the City other than those shown on the final design plans, and in accordance with the KDOT Corridor Management Policy, unless prior approval is obtained from the Secretary.

24. To control the construction or use of any entrances along the Project within the City including those shown on the final design plans.

25. The location, form and character of informational, regulatory and warning signs, of traffic signals and of curb and pavement or other markings installed or placed by any public

authority, or other agency as authorized by K.S.A. 8-2005, shall conform to the manual and specifications adopted under K.S.A. 8-2003, and any amendments thereto are incorporated by reference and shall be subject to the approval of the Secretary.

26. To participate and cooperate with the Secretary in an annual audit of the Project. The City shall make its records and books available to representatives of the Secretary and/or the Federal Highway Administration for audit for a period of five (5) years after date of final payment under this Agreement. If any such audits reveal payments have been made by the City for items considered non-participating, the City shall promptly reimburse the Secretary for such items upon notification by the Secretary.

27. Upon request by the Secretary, to provide the Secretary an accounting of all actual non-participating costs which are paid directly by the City to any party outside of the KDOT and all costs incurred by the City not to be reimbursed by the KDOT for preliminary engineering, right of way, utility adjustments, construction, and construction engineering work phases, or any other major expense associated with the Project. This will enable the Secretary to report all costs of the Project to the legislature.

28. When the Project is completed and final acceptance is issued, it will, at its own cost and expense, maintain the Project and will make ample provision each year for such maintenance.

29. If it cancels the Project, it will reimburse the Secretary for any costs incurred by the Secretary prior to the cancellation of the Project. The City agrees to reimburse the Secretary within thirty (30) days after receipt by the City of the Secretary's statement of the cost incurred by the Secretary prior to the cancellation of the Project.

ARTICLE III

THE PARTIES MUTUTALLY AGREE:

1. Plans for handling traffic during construction must be included in the design plans provided by the City and must be in conformity with the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD). Detour routes and road closings, if necessary, shall be noted on the design plans.

2. The final design plans for the Project are by reference made a part of this Agreement.

3. If any items are found to be non-participating by the Secretary, acting on his or her own behalf or on behalf of the Federal Highway Administration, the total cost of these items will be paid for by the City.

4. Representatives of the Secretary may make periodic inspection of the Project and the records of the City as may be deemed necessary or desirable. The City will direct or cause its contractor to accomplish any corrective action or work required by the Secretary's representative

as needed for a determination of federal participation. The Secretary does not undertake (for the benefit of the City, the contractor, the consultant, or any third party) the duty to perform the day-to-day detailed inspection of the Project, or to catch the contractor's errors, omissions, or deviations from the final design plans and specifications.

5. They have in the past entered into an agreement covering routine maintenance of the city connecting link, and it is the intention of the Secretary and the City that the agreement for routine maintenance shall remain in full force and effect and the mileage set out thereon shall not be affected by this agreement.

6. The City agrees to comply with all appropriate state and federal laws and regulations for this Project.

7. The project plans, specifications, special provisions, Construction Contract Proposal (as available), the Project Procedures Manuals, the agreement estimate for construction engineering services (if applicable) and other Special Attachments (Index provides List of Special Attachments) are all essential documents of this Agreement and are hereby incorporated by reference into this Agreement and are a part thereof.

8. The Special Attachment No. 1 attached hereto, pertaining to the implementation of the Civil Rights Act of 1964, is hereby made a part of this Agreement.

9. This Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the Secretary, the City, and their successors in office.

10. No third party beneficiaries are intended to be created by this Agreement, nor do the Parties herein authorize anyone not a Party to this Agreement to maintain a suit for damages pursuant to the terms of provisions of this Agreement.

11. The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12) which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The signature page immediately follows this paragraph.

IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be signed by their duly authorized officers on the day and year first above written.

ATTEST:

THE CITY OF OTTAWA, KANSAS

CITY CLERK (Date)

MAYOR

Kansas Department of Transportation
Michael S. King, Secretary of Transportation

(SEAL)

BY: _____
Jerome T. Younger, P.E. (Date)
Deputy Secretary and
State Transportation Engineer

KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment
To Contracts or Agreements Entered Into
By the Secretary of Transportation of the State of Kansas

NOTE: Whenever this Special Attachment conflicts with provisions of the Document to which it is attached, this Special Attachment shall govern.

THE CIVIL RIGHTS ACT OF 1964, and any amendments thereto,
REHABILITATION ACT OF 1973, and any amendments thereto,
AMERICANS WITH DISABILITIES ACT OF 1990, and any amendments thereto,
AGE DISCRIMINATION ACT OF 1975, and any amendments thereto,
EXECUTIVE ORDER 12898, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY
POPULATIONS AND LOW INCOME POPULATIONS 1994, and any amendments thereto,
49 C.F.R. Part 26.1 (DBE Program), and any amendments thereto

NOTIFICATION

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (78 Stat. 252), §504 of the Rehabilitation Act of 1973 (87 Stat. 355) and the Americans with Disabilities Act of 1990 (42 USC 12101), the Age Discrimination Act of 1975 (42 USC 6101), the regulations of the U.S. Department of Transportation (49 C.F.R., Part 21, 23, and 27), issued pursuant to such Act, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994), and the DBE Program (49 C.F.R., Part 26.1), hereby notifies all contracting parties that, the contracting parties will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, religion, color, gender, age, disability, national origin, or minority populations and low income populations as more specifically set out in the following “Nondiscrimination Clauses”.

CLARIFICATION

Where the term “Consultant” appears in the following “Nondiscrimination Clauses”, the term “Consultant” is understood to include all parties to contracts or agreements with the Secretary of Transportation of the State of Kansas.

Nondiscrimination Clauses

During the performance of this contract, the Consultant, or the Consultant’s assignees and successors in interest (hereinafter referred to as the “Consultant”), agrees as follows:

- 1) Compliance with regulations: The Consultant will comply with the regulations of the U.S. Department of Transportation relating to nondiscrimination in its federally-assisted programs and codified at Title 49, Code of Federal Regulations, Parts 21, 23 and 27, (hereinafter referred to as the “Regulations”). The Regulations are herein incorporated by reference and made a part of this contract.
- 2) Nondiscrimination: The Consultant, with regard to the work performed by the Consultant after award and prior to the completion of the contract work, will not discriminate on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations in the selection and retention of subcontractors, including in the procurements of materials and leases of equipment. The Consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontractors, including Procurements of Material and Equipment: In all solicitations, either competitive bidding or negotiation made by the Consultant for work to be performed under a subcontract including procurements of materials and equipment, each potential subcontractor or supplier shall be notified by the Consultant of the Consultant’s obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations.

- 4) Information and Reports: The Consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and the Secretary of the Transportation of the State of Kansas will be permitted access to the Consultant's books, records, accounts, other sources of information, and facilities as may be determined by the Secretary of Transportation of the State of Kansas to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the Secretary of Transportation of the State of Kansas and shall set forth what efforts it has made to obtain the information.
- 5) Employment: The Consultant will not discriminate against any employee or applicant for employment because of race, religion, color, gender, age, disability, or national origin.
- 6) Sanctions for Noncompliance: In the event of the Consultant's noncompliance with the nondiscrimination provisions of this contract, the Secretary of Transportation of the State of Kansas shall impose such contract sanctions as the Secretary of Transportation of the State of Kansas may determine to be appropriate, including, but not limited to,
 - (a) withholding of payments to the Consultant under the contract until the Consultant complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.
- 7) Disadvantaged Business Obligation
 - (a) Disadvantaged Business as defined in the Regulations shall have a level playing field to compete for contracts financed in whole or in part with federal funds under this contract.
 - (b) All necessary and reasonable steps shall be taken in accordance with the Regulations to ensure that Disadvantaged Businesses have equal opportunity to compete for and perform contracts. No person(s) shall be discriminated against on the basis of race, color, gender, or national origin in the award and performance of federally-assisted contracts.
 - (c) The Consultant, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Consultant shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of Federally-assisted contracts. Failure by the Consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.
- 8) Executive Order 12898
 - (a) To the extent permitted by existing law, and whenever practical and appropriate, all necessary and reasonable steps shall be taken in accordance with Executive Order 12898 to collect, maintain, and analyze information on the race, color, national origin and income level of persons affected by programs, policies and activities of the Secretary of Transportation of the State of Kansas and use such information in complying with Executive Order 12898.
- 9) Incorporation of Provisions: The Consultant will include the provisions of paragraphs (1) through (8) in every subcontract, including procurements of materials and equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Consultant will take such action with respect to any subcontract or procurement as the Secretary of Transportation of the State of Kansas may direct as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, however, that, in the event a Consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Consultant may request the State to enter into such litigation to protect the interests of the State.

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part thereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the _____ day of _____, 20_____.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges-hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

Contractor agrees to comply with all applicable state and federal anti-discrimination laws.

The provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting State agency cumulatively total \$5,000 or less during the fiscal year of such agency.

6. **Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility For Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

Planning Commission Photo Contest

October is National Community Planning Month, a time to recognize and highlight the contributions sound planning and plan implementation make to the quality of our community and environment. In celebration of this month, the City of Ottawa's Planning and Codes Administration department sponsored the Fifth Annual Ottawa Photo Contest and encouraged citizens, youth and city employees to capture images of Ottawa whether buildings, outdoor spaces, or events.

The Planning Commission along with a couple guest judges judged 49 photographs from 18 individuals. The overall winner of the citizen over 19 years was Jan Smith with her entry titled "Courthouse in Full Bloom" in Buildings will receive a \$75 cash prize. In Outdoor Spaces, Rebakah Wade won the overall youth prize of \$50 with an entry titled "The Road Away". The overall winner in the city employee group Kelly Hadl-Raby was selected for "Bridging the Time" and was awarded vacation leave. The Mayor's Choice category was awarded to Charlotte Newkirk for "A Piece of Railroad History" and was awarded \$25 in chamber bucks.

The Planning Commission recognized (or will recognize) the winners at their meeting on Wednesday, October 10th. "We had a lot of wonderful entries this year and hope more people will entry next year", said Ruthanne Wasko, Planning Commission Chairperson. The City Commission will be recognizing the winning photo of the Mayor's Choice award winner at their meeting on Wednesday, October 17, at 9:30 a.m. All of the winning photos will be put into a presentation for the Government Access Channel and all photos will be on display at City Hall/Ottawa Library from October 10th through November 1st.

Contact information:

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CITY OF OTTAWA

August Monthly Financial and Activity Report

Presented to the City Commission
October 15, 2012



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COMBINED STATEMENT OF REVENUE, EXPENDITURES, AND CASH BALANCE

August-12 FUNDS	Beginning	Beginning	Revenue		Transfers		Disbursements				Ending Cash
	Balance 1/1/2012	Balance 8/1/2012	Current Mo.	Year To Date	Current Mo.	Year To Date	Current Mo.	Year To Date	Cur. Mo.	YTD	Balance 08/31/12
GENERAL FUND	1,205,942	2,073,998	348,130	5,138,647	123,322	927,786	693,993	5,420,917	(222,541)	645,516	1,851,457.58
SPECIAL REVENUE											
Community Services	5,252	34			10,800	93,156	10,688	98,263	112	(5,107)	145.38
Auditorium	25,358	82,811	10,431	145,781			20,624	98,522	(10,194)	47,259	72,617.68
Airport	4,865				6,344	40,474	6,344	45,340		(4,865)	
Special Park & Recreation	88,383	66,863	2,517	14,906			6,026	39,934	(3,508)	(25,028)	63,354.83
Special Alcohol Program	(0)	12,235		12,235						12,235	12,235.21
Library	(0)	(0)		659,444				659,444			(0.00)
Economic Development	130,334	123,500	512	18,672			800	25,795	(288)	(7,122)	123,211.94
Special Streets	91,339	350,370		421,979			117,610	280,558	(117,610)	141,421	232,760.04
Equipment Reserve	1,175,842	853,934	14,142	34,101			22,315	364,181	(8,173)	(330,081)	845,761.10
Revolving Loan Fund	146,886	148,278	207	1,600					207	1,600	148,485.01
Risk Management	290,773	120,957	6,832	93,623		420,000	12,983	689,591	(6,152)	(175,968)	114,804.99
Neighborhood Stabilization Grant	0	0					2,140	2,140	(2,140)	(2,140)	(2,140.00)
Trails Grant	3,000	3,000									3,000.00
G.O. DEBT	533,193	1,012,134	98	588,145				109,106	98	479,039	1,012,232.21
ENTERPRISE FUNDS											
Stormwater Utility	(5,629)	(5,629)						5,629		(5,629)	(5,629.44)
Water	773,284	756,334	289,333	1,779,899	(38,117)	(384,216)	224,970	1,386,387	26,246	9,296	782,579.88
Wastewater Operating	678,935	808,318	212,062	1,545,377	(68,949)	(565,757)	133,633	840,757	9,479	138,862	817,797.14
Electric Operating	4,127,412	4,227,302	2,081,783	10,726,334	(96,316)	(852,241)	1,341,832	9,130,569	643,635	743,525	4,870,937.10
Power Supply Fund	929,833	1,122,981	68,548	308,361				46,666	68,548	261,696	1,191,529.14
Electric Construction	2,569,011	2,356,289	485	3,619				215,856	485	(212,237)	2,356,773.50
Utility Credits	139,983	110,414	9,445	(19,250)			246	1,120	9,199	(20,369)	119,613.55
CAPITAL PROJECTS											
US 59 Turnback	(1,639)	(0)		1,639						1,639	(0.00)
Airport Hangars 2009-2010	20,318	(8,022)		840,990		72,438	1,728	943,495	(1,728)	(30,068)	(9,749.79)
Sidewalk Grant 15th Street	0	(55,861)		186,511				242,373		(55,861)	(55,861.41)
Love's Grainger TIF	0	15,265	0	349,492		(324,000)		10,227	0	15,266	15,265.51
South HWY 59 TDD	(0)	18,691	682	19,372					682	19,372	19,372.46
East Side Interceptor	(0)	(196,495)						196,495		(196,495)	(196,495.48)
Davis Road Project		(46,111)					124	46,235	(124)	(46,235)	(46,235.23)
Levee Improvement	0	(39,785)				45,125	9,722	94,632	(9,722)	(49,507)	(49,507.13)
TIF PROJECT FUND	2,901	13,211	1	10,311			10,308	10,308	(10,306)	3	2,904.87
Advantage Ford TIF Project	(0)	(0)	2,500	2,500					2,500	2,500	2,500.00
Airport Improvements		(5,000)					167,864	172,864	(167,864)	(172,864)	(172,864.21)
Sidewalk Improvements	0	(958)				23,906		24,864		(958)	(958.08)
Airport Improvements Grant	(8,471)	(133,982)	65,674	1,636,839			495,774	2,192,450	(430,100)	(555,611)	(564,081.83)
TRUST & AGENCY FUNDS											
Health Insurance	1,713,703	1,781,037	185,005	1,577,639			148,990	1,474,290	36,015	103,349	1,817,052.28
WWTP Funding	552,034	631,580	62	224	62,916	503,328		361,027	62,978	142,524	694,557.87
Total	15,192,841	16,197,691	3,298,449	26,098,991			3,428,713	25,230,034	(130,264)	868,956	16,067,426.67

ANALYSIS OF COMBINED SALES AND COMPENSATING USE TAX

August-12

COUNTY (1.0%)	2007	2008	2009	2010	2011	2012	12 Mo. Running Total		Change	Change
							2011	2012	Dollars	Percent
January	93,708	89,315	99,330	86,536	80,430	92,276	1,035,471	1,091,506	\$ 11,846.25	14.73%
February	92,769	92,872	78,086	76,809	95,342	88,325	1,054,005	1,084,488	\$ (7,017.67)	-7.36%
March	75,378	91,131	91,862	98,077	88,872	88,566	1,044,800	1,084,183	\$ (305.14)	-0.34%
April	81,443	80,668	77,113	70,085	69,281	87,092	1,043,996	1,101,994	\$ 17,810.85	25.71%
May	103,746	98,901	76,061	91,428	89,714	96,267	1,042,281	1,108,547	\$ 6,552.96	7.30%
June	82,034	92,921	81,165	93,497	102,444	89,141	1,051,228	1,095,243	\$ (13,303.51)	-12.99%
July	85,376	86,070	95,918	81,315	86,902	85,637	1,056,815	1,093,978	\$ (1,264.74)	-1.46%
August	98,135	96,731	75,528	91,366	89,754	93,734	1,055,203	1,097,958	\$ 3,979.60	4.43%
September	53,294	88,029	86,768	81,664	89,932		1,063,471			
October	101,391	92,318	82,931	91,504	94,804		1,066,771			
November	89,654	94,877	85,370	91,476	93,010		1,068,306			
December	90,664	92,200	94,603	87,821	99,175		1,079,659			
SAME MO. YTD	712,589	728,608	675,062	689,114	702,739	721,037			\$ 18,298.60	2.60%
ANNUAL TOTAL	1,047,592	1,096,032	1,024,734	1,041,578	1,079,659					
CITY (1.1%)	2007	2008	2009	2010	2011	2012	2011	2012		
January	202,613	212,934	236,376	204,441	179,538	203,964	2,233,860	2,387,294	\$ 24,425.89	13.60%
February	218,533	217,822	172,012	162,122	209,172	179,606	2,280,911	2,357,728	\$ (29,566.14)	-14.13%
March	176,137	217,785	206,993	210,746	196,175	190,917	2,266,339	2,352,470	\$ (5,257.72)	-2.68%
April	190,033	181,986	177,587	145,922	147,293	197,369	2,267,710	2,198,583	\$ 50,076.07	34.00%
May	246,560	230,197	171,836	201,864	198,268	212,086	2,264,114	2,416,364	\$ 13,817.23	6.97%
June	192,106	205,400	186,228	194,427	235,300	196,629	2,304,987	2,377,693	\$ (38,670.55)	-16.43%
July	201,426	201,828	232,192	172,342	187,599	196,553	2,140,706	2,182,684	\$ 8,954.29	4.77%
August	229,212	225,479	143,616	190,976	183,443	207,473	2,312,711	2,410,677	\$ 24,030.09	13.10%
September	191,932	203,613	195,227	186,893	195,331		2,321,149			
October	227,123	198,464	186,409	197,011	203,309		2,327,447			
November	199,027	205,837	189,281	198,170	204,378		2,333,655			
December	205,672	199,825	218,712	193,849	223,063		2,362,868			
SAME MO. YTD	1,656,620	1,693,431	1,526,839	1,482,840	1,536,788	1,584,597			\$ 47,809.16	3.11%
ANNUAL TOTAL	2,480,374	2,501,171	2,316,469	2,258,763	2,362,868					
CITY/CO. TO DATE	2,369,209	2,422,040	2,201,901	2,171,954	2,239,526	2,305,634	Tot YTD	Budget		2.95%
TOTAL	3,527,966	3,597,203	3,341,202	3,300,341	3,442,528			3,320,486	\$ 2,213,657.33	4.15%

CITY OF OTTAWA

August 2012

ELECTRIC CONSUMPTION REPORT

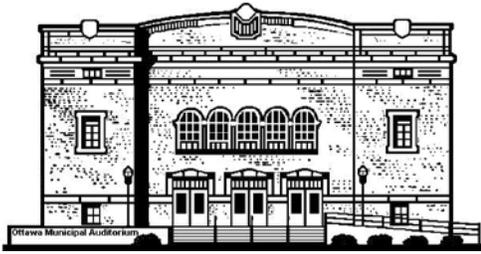
		METERS	CURRENT KWH	YTD KWH	CURRENT \$	YTD \$	UNIT COST	COST
SMALL BUS, URBAN	THIS YR	569	1,294,515	7,655,276	\$162,802.25	\$932,458.85	.125763	.121806
	LAST YR	569	1,425,613	8,105,542	\$170,098.59	\$902,744.65	.119316	.111373
SMALL BUS, RURAL	THIS YR	7	6,494	39,795	\$930.38	\$5,688.06	.143267	.142934
	LAST YR	8	8,759	63,013	\$1,176.90	\$7,891.09	.134364	.125229
LARGE POWER	THIS YR	109	6,296,781	40,224,351	\$696,459.75	\$4,279,977.46	.110605	.106402
	LAST YR	106	6,264,288	39,964,502	\$659,418.86	\$3,865,430.22	.105266	.096721
RES URBAN	THIS YR	5,132	7,501,324	35,430,369	\$935,816.69	\$4,326,995.39	.124753	.122126
	LAST YR	5,138	7,794,174	37,127,803	\$927,013.43	\$4,154,928.94	.118936	.111908
RES RURAL	THIS YR	10	11,683	63,479	\$1,558.67	\$8,382.01	.133413	.132043
	LAST YR	10	13,244	71,653	\$1,677.19	\$8,584.84	.126637	.119811
SCHOOL/CITY	THIS YR	114	1,559,149	10,263,048	\$139,935.49	\$846,364.74	.089751	.082467
	LAST YR	117	1,570,861	10,059,242	\$132,954.59	\$744,263.45	.084638	.073988
AREA LIGHTS	THIS YR	304	22,800	182,325	\$5,591.49	\$43,437.33	.245240	.238241
	LAST YR	298	22,350	180,525	\$5,354.56	\$41,185.20	.239577	.228141
STREET LIGHTS	THIS YR	14	30,475	303,597				
	LAST YR	14	31,969	316,855				
CURRENT TOTALS		6,259	16,723,221	94,162,240	\$1,943,094.72	\$10,443,303.84	.116191	.110907
LAST YEAR TOTALS		6,260	17,131,258	95,889,135	\$1,897,694.12	\$9,725,028.39	.110773	.101419
PERCENT CHANGE		1.00 %	.98 %	.98 %	1.02 %	1.07 %		
CONSUMER SALES KWH			16,723,221	94,162,240				
NET ENERGY/LOAD			18,793,460	99,844,294				
ENERGY ACCOUNTED FOR			16,723,221	94,162,240				
KWH LOSS			2,070,239	5,682,054				

CITY OF OTTAWA

August 2012

WATER CONSUMPTION REPORT

		METERS	CURRENT CCF	YTD CCF	CURRENT \$	YTD \$	UNIT COST	
RURAL SMALL BUS	THIS YR	4	81	343	\$374.79	\$2,152.87	4.627037	6.276588
	LAST YR	5	115	482	\$515.23	\$2,616.72	4.480260	5.428879
LARGE BUSINESS	THIS YR	99	11,172	58,703	\$44,511.87	\$279,519.43	3.984234	4.761586
	LAST YR	99	9,465	52,535	\$41,353.14	\$254,719.26	4.369058	4.848563
SCHOOLS	THIS YR	31	4,517	21,366	\$12,118.18	\$70,749.35	2.682793	3.311305
	LAST YR	30	2,871	12,731	\$9,043.91	\$54,547.11	3.150090	4.284589
WHOLESALE	THIS YR	4	22,994	113,255	\$45,732.14	\$230,095.64	1.988872	2.031659
	LAST YR	4	19,239	106,373	\$38,481.28	\$210,831.98	2.000170	1.982006
STATE FEE	THIS YR				\$1,643.62	\$8,813.50		
	LAST YR				\$1,404.10	\$7,805.25		
RURAL LARGE BUS	THIS YR	2	672	5,557	\$3,271.88	\$26,672.79	4.868869	4.799854
	LAST YR	2	582	5,960	\$3,024.38	\$26,975.25	5.196529	4.526048
CITY	THIS YR	43	4,027	18,084	\$3,555.48	\$22,782.86	.882910	1.259835
	LAST YR	41	4,549	43,851	\$2,653.99	\$21,263.78	.583422	.484909
RESIDENCE	THIS YR	4,460	43,297	234,737	\$130,058.86	\$874,179.91	3.003876	3.724082
	LAST YR	4,460	37,388	206,653	\$122,191.30	\$807,758.97	3.268195	3.908769
RURAL RES	THIS YR	3	29	117	\$149.51	\$922.18	5.155517	7.881880
	LAST YR	3	16	103	\$119.81	\$863.57	7.488125	8.384174
BULK	THIS YR	1	485	2,292	\$2,575.72	\$13,955.83	5.310762	6.088931
	LAST YR	1	251	1,450	\$1,760.39	\$9,449.29	7.013505	6.516751
SMALL BUSINESS	THIS YR	479	7,451	38,132	\$24,950.99	\$154,187.63	3.348676	4.043523
	LAST YR	489	7,160	37,833	\$24,378.03	\$149,780.14	3.404752	3.958981
CURRENT TOTALS		5,126	94,725	492,586	\$268,943.04	\$1,684,031.99	2.839198	3.418757
LAST YEAR TOTALS		5,134	81,636	467,971	\$244,925.56	\$1,546,611.32	3.000215	3.304929
PERCENT CHANGE		1.00 %	1.16 %	1.05 %	1.10 %	1.09 %		
CONSUMER SALES CCF			94,725	492,586				
TREATED WATER GAL			70,192,000	467,225,000				
WATER ACCOUNTED FOR-GAL			70,854,300	368,454,328				
WATER LOSS			662,300	98,740,672				



MUNICIPAL AUDITORIUM PERFORMANCE & RENTAL FACILITY

P.O. Box 462 301 S. Hickory Ottawa, Kansas 66067
Box Office: 785/242-8810 Email: sstitt@ottawaks.gov
Website: www.ottawamunicipalauditorium.com

Shonda Stitt, Administrative Manager

Ottawa Municipal Auditorium Staff Report for August 2012

- ❖ Grace Gospel Church held services on August 1, 5, 8, 12, 15, 19, 22, 26, and 29.
- ❖ August 18th the exhibition hall held a birthday party.
- ❖ Dale Reese's Grand "O" Opry on August 25th.
- ❖ OMA has teamed up with Dickinson Productions continued selling tickets and promoting the September 7th Pam Tillis concert.

August usage facts:

Attendance for rentals: 775
3 Rentals
Days used 11 days out of 31 days

Year to date totals for OMA:

Attendance for rentals/OMA sponsored events: 10,981
Rentals: 30
Days used: 124 out of 213

The city has donated \$725 worth of free rentals to various organizations throughout the community including: Shawn Dickenson (Cloverton), the Cub Scouts, Spring Break Actives, and Franklin County Leadership Class

Shonda Stitt

September - October 2012:

September 2, 5, 9, 12, 16, 19, 23, 26, and 30 – Grace Gospel Church, rental
September 7 – Pam Tillis Concert, OMA/Dickinson Productions
September 8 – Friends of OMA fundraiser concert
September 11 & 12 – FFA, rental
September 12 – Ottawa Main Street, rental
September 15 and 22 – seminar, rental (possible)
September 20 – City of Ottawa
September 23 – Habitat for Humanity, rental
September 27 & 28 – ACT Ottawa, rental
September 29 – Dale Reese, rental
October 3, 7, 14, 17, 21, 24, 28, and 31 – Grace Gospel Church, rental
October 15 – OHS Fall concert, rental
October 29 and 30 – OHS Fall musical rehearsal, rental

August 2012**OMA BUDGET REPORT**

REVENUE DETAIL	Current Period	Year to Date	% YTD	Budget
Unencumbered Cash				\$0.00
Ad Valorem Tax		\$107,716.66	93%	\$115,306.00
Back Taxes		\$2,846.70	45%	\$6,365.00
Vehicle Tax		\$3,634.81	38%	\$9,489.00
Rental Fees	\$1,272.50	\$8,000.00	73%	\$11,000.00
Interest Income	\$8.01	\$24.83	2%	\$1,000.00
Reimbursed Expenses	\$8,000.00	\$8,000.00	2000%	\$400.00
Donations	\$750.00	\$2,450.00	123%	\$2,000.00
Concessions		\$1,034.88	19%	\$5,464.00
Ticket Sales	\$367.31	\$10,915.10	73%	\$15,000.00
Program Advertising			0%	\$500.00
Grants & Foundations			0%	\$2,600.00
Miscellaneous		\$94.00		\$0.00
Total Income	\$10,397.82	\$144,716.98	86%	\$169,124.00
EXPENDITURE DETAIL				
Contingency Reserve				\$22,446.00
Undesignated Funds				
Personal Services	\$4,951.09	\$47,353.72	53%	\$90,195.00
Contractual Services	\$937.46	\$26,975.12	50%	\$54,417.00
Commodities	\$102.52	\$3,786.56	69%	\$5,519.00
Capital Expenditure	\$14,633.00	\$15,677.62	143%	\$11,000.00
Capital Improvements				
Contingency Reserve				
TOTAL EXPENSES	\$20,624.07	\$93,793.02	51%	\$183,577.00
NET	(\$10,226.25)	\$50,923.96		

Capital Improvements include payment for the newly installed front doors.



Jeff H. Carner
Fire Chief

OTTAWA, KANSAS

Monthly Report August, 2012

Calls for Service: The department responded to 124 calls for service and experienced an estimated \$27,000 in fire loss.

Inspections: A total of 71 business and residential inspections were completed.

Training: Shift personnel conducted 563 hours of training with most of these hours associated with annual driver training.

Public Education: During the month we delivered five public education programs.

Respectfully submitted,

Jeff H. Carner

Ottawa Fire Department

Incident Type Report (Summary)

Alarm Date Between {08/01/2012} And
{08/31/2012}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	4	3.23%	\$22,000	81.48%
131 Passenger vehicle fire	2	1.61%	\$4,000	14.81%
136 Self-propelled motor home or recreational vehicle	1	0.81%	\$1,000	3.70%
143 Grass fire	3	2.42%	\$0	0.00%
	10	8.06%	\$27,000	100.00%
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	84	67.74%	\$0	0.00%
322 Motor vehicle accident with injuries	2	1.61%	\$0	0.00%
323 Motor vehicle/pedestrian accident (MV Ped)	1	0.81%	\$0	0.00%
360 Water & ice-related rescue, other	1	0.81%	\$0	0.00%
	88	70.97%	\$0	0.00%
4 Hazardous Condition (No Fire)				
412 Gas leak (natural gas or LPG)	1	0.81%	\$0	0.00%
462 Aircraft standby	1	0.81%	\$0	0.00%
	2	1.61%	\$0	0.00%
5 Service Call				
522 Water or steam leak	1	0.81%	\$0	0.00%
554 Assist invalid	1	0.81%	\$0	0.00%
561 Unauthorized burning	4	3.23%	\$0	0.00%
	6	4.84%	\$0	0.00%
6 Good Intent Call				
6111 Fire Alarm - Dispatched & cancelled en route	1	0.81%	\$0	0.00%
6112 Medical Call - Dispatched & cancelled en route	7	5.65%	\$0	0.00%
622 No Incident found on arrival at dispatch address	1	0.81%	\$0	0.00%
651 Smoke scare, odor of smoke	2	1.61%	\$0	0.00%
671 HazMat release investigation w/no HazMat	2	1.61%	\$0	0.00%
	13	10.48%	\$0	0.00%
7 False Alarm & False Call				
721 Bomb scare - no bomb	1	0.81%	\$0	0.00%
731 Sprinkler activation due to malfunction	1	0.81%	\$0	0.00%
733 Smoke detector activation due to malfunction	1	0.81%	\$0	0.00%

Ottawa Fire Department

Incident Type Report (Summary)

Alarm Date Between {08/01/2012} And
{08/31/2012}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
	5	4.03%	\$0	0.00%

Total Incident Count: 124

Total Est Loss:

\$27,000

**City of Ottawa Human Resources Department
Monthly Report for August 2012**

TRAINING/EDUCATION:

8/16/2012 HR Director attended Public Officers & Employees Policy Committee meeting at League of Kansas Municipalities offices in Topeka

8/17/2012 HR Director attended Kansas Public Risk Management Association (PRIMA) quarterly meeting in Emporia; educational topics presented were Workers Compensation Legislative Update and Business Income Coverage and Exposures

PERSONNEL MANAGEMENT:

8/2/2012 Wellness Committee met to discuss final details of 2nd Annual Golf Charity fundraiser for Multiple Sclerosis, to be held on 8/25/2012; committee also began discussing ideas on re-energizing wellness program

8/30/2012 Wellness Committee met, golf tournament raised nearly \$1,300 for MS; committee continued discussing ideas to re-energize wellness program; began work on 2013 Wellness Calendar

EMPLOYEE RECRUITMENT/SELECTION:

Hiring Freeze: Four full-time positions have remained vacant since 2009 due to the hiring freeze; two are funded from the General Fund (Plans Examiner in Planning & Codes Dept. and Equipment Operator in Public Works Dept./Streets Division) and two are funded from Utility Funds (Maintenance Worker in Utilities Dept./Water Distribution/Wastewater Maintenance Division and CAD Operator in Utilities Dept.)

RISK MANAGEMENT/LOSS CONTROL:

8/14/2012 HR Director attended KERIT Policy committee meeting in Leawood

8/28/2012 Safety Committee meeting was held in the break room at Wastewater Treatment Facility; site safety inspection was conducted following the meeting.

INSURANCE CLAIMS:

None

TORT CLAIMS:

None

DAMAGE TO CITY PROPERTY:

6/20/2012 vehicle was backing up in city-owned parking lot, backed into wooden utility pole, knocking it over; damage estimate \$719.27; request for payment letter mailed 8/27/2012; check received 8/27/2012, paid in full; FILE CLOSED

8/11/2012 vehicle was driving east on Wilson St., turned south onto N. Sycamore St., ran off roadway and struck a street sign; damage estimate \$474.26; request for payment letter mailed 8/20/2012; envelope returned 8/25/2012 undeliverable

CITY VEHICLE ACCIDENTS:

8/14/2012 Police dept. employee was pulling into parking lot of law enforcement center and struck light pole; waiting on damage estimates

WORK INJURIES:

None.

Ottawa Information Technology (IT) Department

Date: September 17, 2012

To: Richard Nienstedt, City Manager and City Commission

From: Chuck Bigham, IT Director

Subject: August Monthly Report

IT Trouble Tickets & Other-

40 new calls for Service logged, 37 closed (*examples- can't send mail, locked up, error conditions, won't power-on, Blackberry not syncing, possible virus, can't find folder, print problems, won't boot, battery backup beeping etc.*)

Government Access Channel (GAC)

New Programs- City and County Commission, NASA news and information, Pentagon Recon, Run Hide Fight PSA and DARE camp awards ceremony.

of different programs played- 10 (*examples- City and County meetings, Coffee, NASA news, White House Chronicles*)

Web Site

New website near completion, training employees on updating documents and calendar.

8 News articles posted, Upcoming events continually updated.

Videos posted include, 2 City Commission, 1 Run Hide Fight PSA.

FaceBook-

Updates Provided- Videos Posted (same as website). 8 News Articles Linked. 3 new Photo Albums 2 of Play Task Force Playground in a box and 1 of Utilities Department making repairs to lightning strike on electrical pole . Run Hide Fight PSA also posted to facebook.

Total Likes: 720 See attached graphs

Other Activities-

Video and photos of DARE camp 2012. Cambush photos taken every week. Continually copying information over to new website and making all links functional. Close to making new website ADA compliant. Posted all media releases to public on Facebook, channel and website.

Show: Ottawa Kansas Government Access Channel Live
Period: August 17, 2012 - September 19, 2012

Breakdown

Days	Unique viewers	Viewer hours
August 23, 2012-	14	1.01
August 28, 2012-	0	0.00
August 31, 2012-	12	10.12
September 7, 2012-	8	0.42
Total		
Days	Unique viewers	Viewer hours
	34	11.55



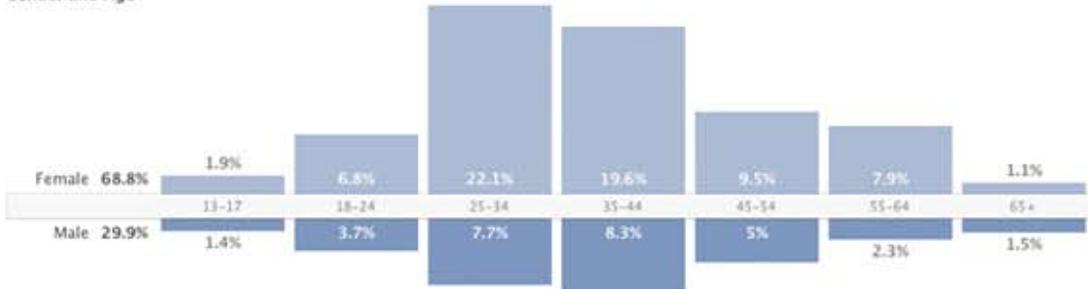
08/01/2012 - 08/31/2012

Export Data

People Who Like Your Page (Demographics and Location)

See Likes

Gender and Age



Countries

- 717 United States of America
- 2 Canada
- 1 United Kingdom
- 1 India
- 1 Nigeria
- 1 Italy
- 1 Japan
- 1 Afghanistan
- Less +

Cities

- 431 Ottawa, KS
- 23 Lawrence, KS
- 18 Wellsville, KS
- 15 Kansas City, MO
- 12 Princeton, KS
- 12 Pomona, KS
- 8 Topeka, KS
- 8 Richmond, KS
- 7 Olathe, KS
- 7 Rantoul, KS
- 6 Overland Park, KS
- 5 Baldwin City, KS
- 5 Gardner, KS
- 5 Kansas City, KS
- 4 Osawatomie, KS
- 4 Wichita, KS
- 3 Emporia, KS
- 3 Quenemo, KS
- 3 Garnett, KS
- 3 Williamsburg, KS

Languages

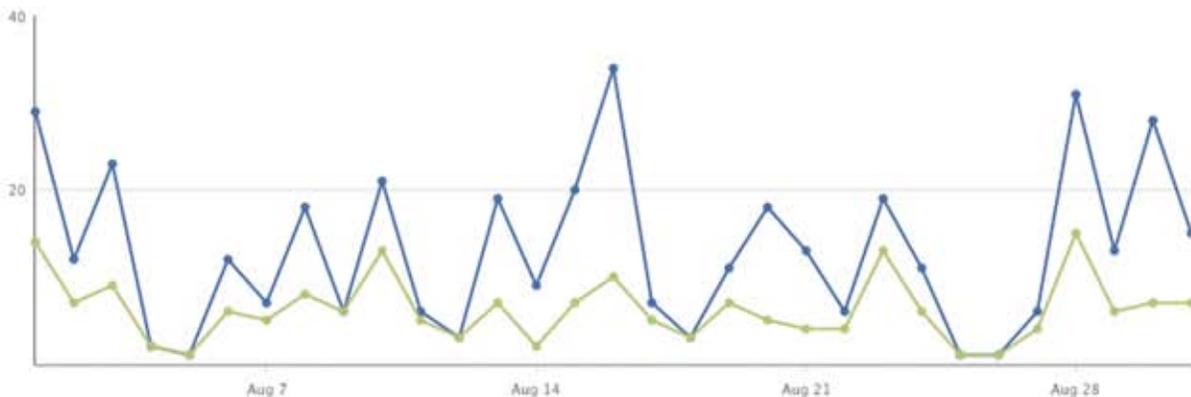
- 705 English (US)
- 18 English (UK)
- 2 Spanish

Demographics and Location of people who like the City of Ottawa Facebook page.
Total Likes for August 2012 were: 720

Visits to Your Page

Page Views

Page Views Unique Visitors



Total Tab Views

- 361 timeline
- 11 Events
- 11 Photos
- 6 messages_inbox
- 3 Information
- 2 Twitter

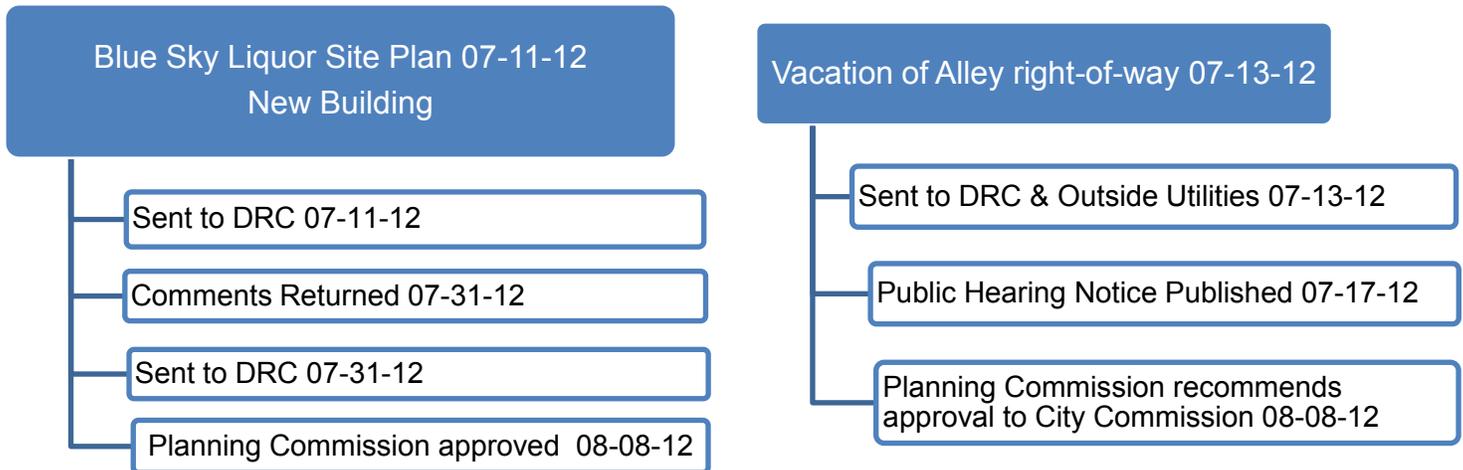
External Referrers

- 4 google.com
- 1 bing.com

Page views are the number of times any given site page is looked at (visited) by all users. On the other hand, unique visitors numbers report how many different visitors visited your site pages. For example, if your aunt checks out your Website 13 times in one day, she will only show as one unique visitor but she would contribute 13 page views to your reports.

PLANNING & CODES DEPARTMENT AUGUST 2012 MONTHLY REPORT

Planning Commission:



Projects:

15th Street Sidewalk: Grant will close out early September with final funds released to the city. Public Works installed safe routes decals on north side of 15th Street.

Safe Routes to School: Bid letting has been scheduled for August with bid opening on September 18th.

Condemnations:

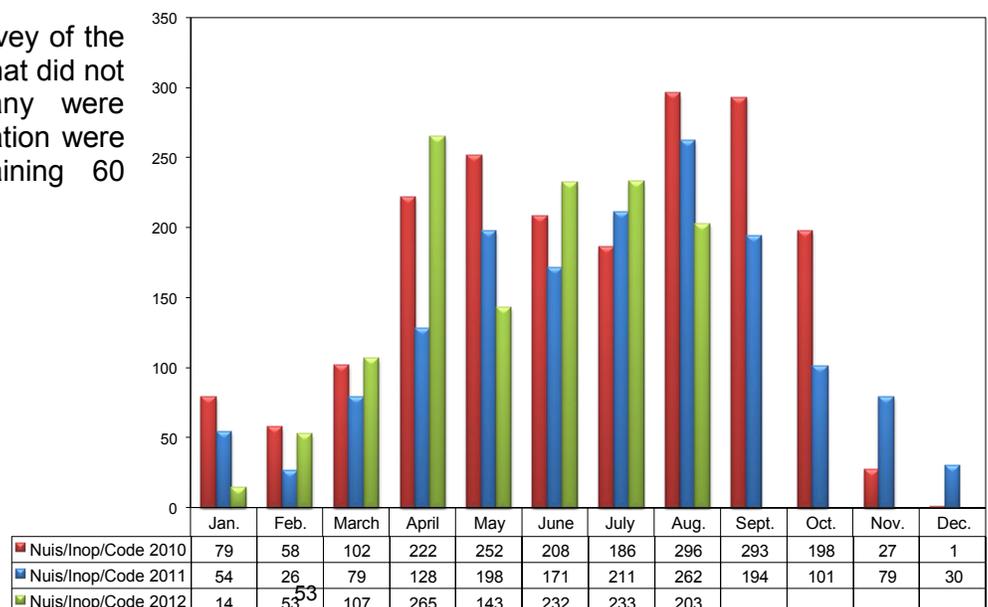
124 S. Main -- fill has been completed to wall cavity. A recommendation from an architect for sealing the walls and for completion of fill has been approved. We are waiting for contractor to complete finish work. Bank positioning that wall finish not their concern.

On July 2, the following properties we condemned; 936 Hamblin, 804 S. Cherry, and 830 S. Cherry. Bids awarded in August, all structures to be removed by September 27th.

Code Enforcement:

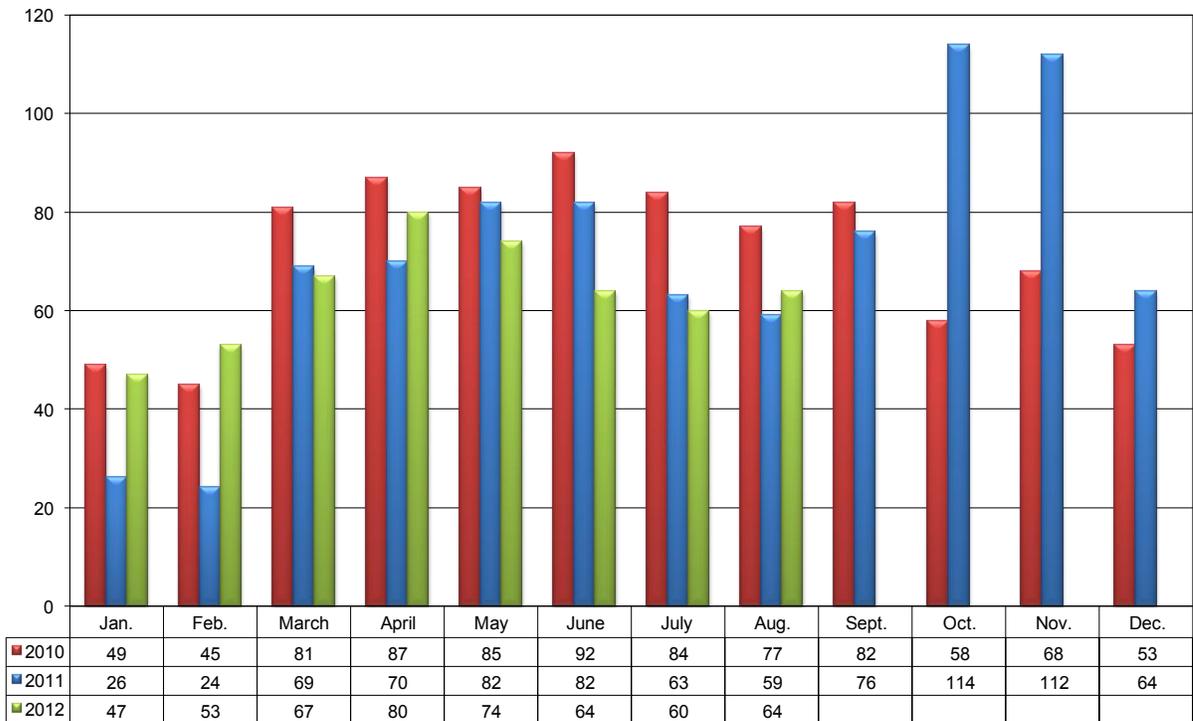
The Codes Officer did a re-survey of the 130 houses in the community that did not have house numbers. Many were remedied and follow-up notification were sent to each of the remaining 60 residents.

Nuis/Inop/Code Correspondence Sent Monthly

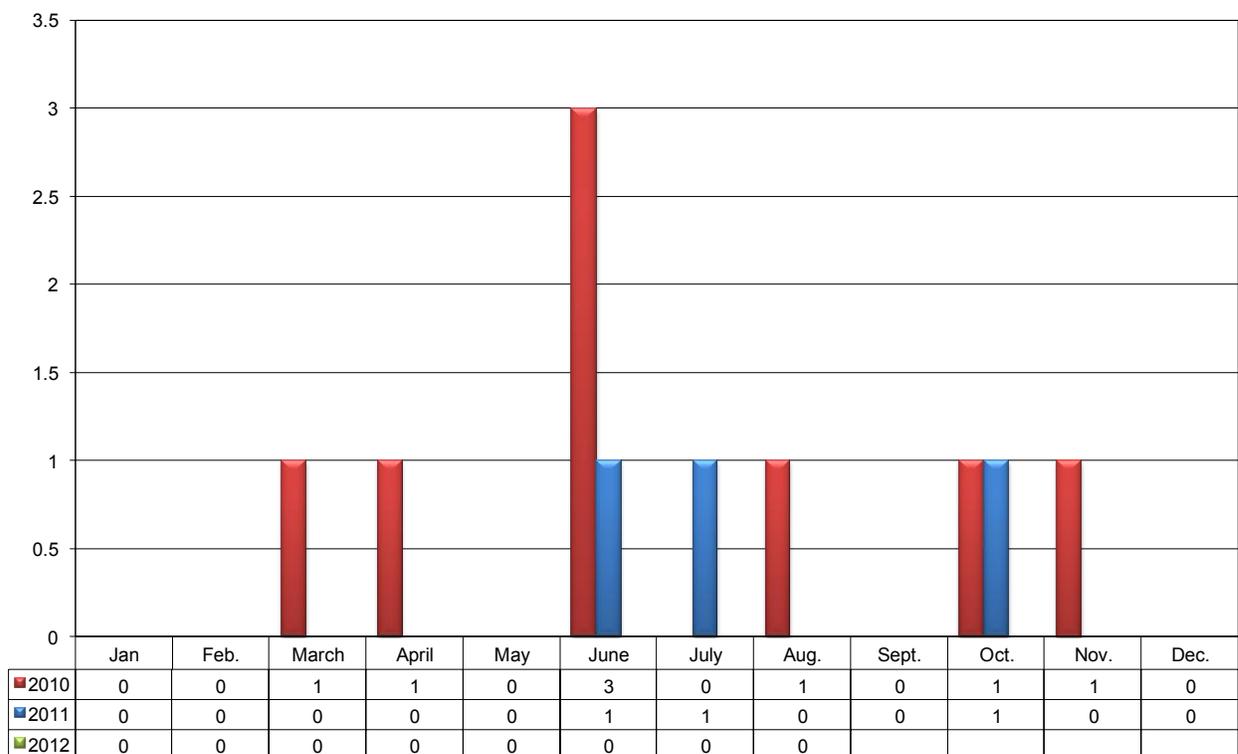


Permits:

Non-Residential Permits Issued

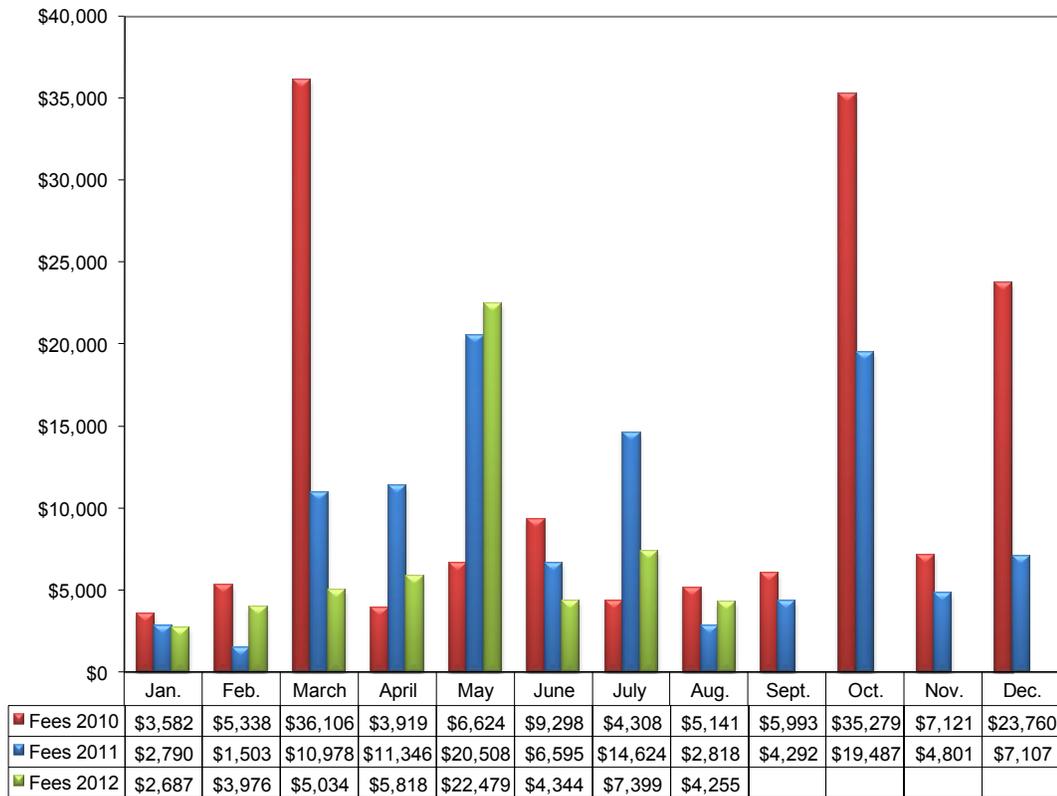


Residential Permits Issued



Fees:

Monthly Building Permit Fees Collected



The chart above does not include planning fees.

Fees Budgeted for 2012:

Budgeted amount is	\$117,045
Permit fees to date:	\$ 55,984
Planning fees to date:	\$ 1,625
Total received to date:	\$ 53,029

*Police Department
City of Ottawa, Kansas*

MEMORANDUM

DATE: SEPTEMBER 4, 2012

TO: RICHARD U. NIENSTEDT, CITY MANAGER

FROM: DENNIS P. BUTLER, CHIEF OF POLICE

SUBJECT: AUGUST 2012 MONTHLY REPORT

The purpose of this memorandum is to report activities involving various police department personnel during the month of August 2012. Sworn and civilian members of the police department participated in or attended the following activities:

- First Friday Forum
- Silent Siren
- Volunteers in Police Service (VIPS) and Reserve Police Officers provided 246 hours of service
- Held 27th Annual DARE Camp August 5-7 with 84 kids
- Attended several Chamber events
- Municipal Court began accepting credit card payments by telephone. Online payment option to begin soon
- Monthly supervisors', VIPS, Ottawa Police Foundation, Johnson County Chief's and Sheriff, Franklin County Domestic Violence Response Team (FCDVRT) meetings
- International Association of Chief's of Police New Chief's mentoring project
- Deployed officers and monitored the Westboro Baptist Church demonstration
- Seatbelts Are For Everyone (SAFE) planning; and
- KERIT roadside safety meeting.

I will be happy to answer any questions.

Thank you.

Police Department
City of Ottawa, Kansas
 MEMORANDUM

DATE: SEPTEMBER 10, 2012
TO: RICHARD U. NIENSTEDT, CITY MANAGER
FROM: DENNIS P. BUTLER, CHIEF OF POLICE
SUBJECT: AUGUST 2012 ENFORCEMENT STATISTICS

221 CHARGES WERE ISSUED THROUGH THE MUNICIPAL COURT. SOME OF THESE ARE MULTIPLE CHARGES ON SINGLE TICKETS.

The breakdown is as follows:

013 DISOBEY TRAFFIC SIGNAL	1	200 KNOWINGLY OPER W/O INSURANCE	18
023 LEAVING SCENE INJURY ACCIDENT	2	30.2 REFUSAL PRELIMINARY BREATH TEST	2
024 ACCIDENT INVOLVING DAMAGE	1	CH10 INOPERABLE VEHICLE	1
027 DUTY TO REPORT ACCIDENT	1	13210 SPEEDING SCHOOL ZONE	1
030 DUI	5	13311 2 HOUR PARKING	23
033 SPEEDING	28	182.1 SEATBELT	26
037 DRAG RACING	1	3-213 KEEPING VICIOUS ANIMAL	2
046 IMPROPER DRIVING LANED ROAD	1	3-302 DOG VACCINATION REQUIREMENTS	8
047 FOLLOWING TOO CLOSE	3	3-303 DOG CITY REGISTRATION FEES	6
057 FAIL TO YIELD RIGHT OF WAY	1	3-309 DOG RUNNING AT LARGE	10
059 FAIL TO YIELD STOP/YIELD SIGN	2	38202 POSSESSION OF PARAPHERNALIA	2
085 PARKING/STANDING/STOPPING	1	4-313 OPEN CONTAINER - CMB	2
086 IMPROPER PARKING	1	6-1A0 DILAPIDATED GARAGE	1
087 HANDICAPPED PARKING	1	CH6-1 BUILDING CODE - NO PERMITS	1
097 2 HOUR LIMITED PARKING	1	38-301 BATTERY	1
104 INATTENTIVE DRIVING	6	38-601 THEFT	7
106 TRANSPORT OPEN CONTAINER (KSA 8-1599)	2	38-606 CRIMINAL DAMAGE TO PROPERTY	1
117 LIMITATIONS ON BACKING	2	38-702 OBSTRUCTING LEGAL PROCESS	2
192 NO OPERATOR LICENSE	5	38-901 DISORDERLY CONDUCT	5
194 SUSPENDED OPERATORS LICENSE	12	381208 POSSESSION OF PROHIBITED SUBSTANCE-MARIJ	1
195 DRIVE IN VIOLATION OF RESTRICTIONS	1	CH10-6 NUISANCE	7
198 ILLEGAL TAG	11		

Report Total: 221

75 Charges were filed through County Attorney's office:

9 Domestic Battery	0 Agg Assault/Battery	0 Battery	
2 Burglary	4 Criminal Damage	2 D.U.I.	
13 Theft	2 Traffic	1 Endangering Child	
2 Liquor Violations	0 Prescription Drugs	26 Misc. Charges	14 Possession Drugs/Paraphenalia

**ADULT AND JUVENILE
CRIMINAL ARRESTS
PART ONE ARRESTS**

	AUG 2012		AUG 2011	
	ADULT	JUVENILE	ADULT	JUVENILE
Arson	0	0	0	0
Assault: Aggravated (Agg Battery)	0	0	1	0
Burglary	2	0	2	2
Murder	0	0	0	0
Rape	0	0	1	0
Robbery	0	0	1	0
Theft	20	0	3	0
Theft: Auto	0	0	0	0
Sub Total Part One Arrests	22	0	8	2

OTHER ARRESTS

Assault	0	0	0	0
Assault: LEO	0	0	0	0
Battery	1	0	1	0
Battery: Domestic	9	0	5	0
Battery: LEO	0	0	0	0
Criminal Damage Property	5	0	8	7
Criminal Threats	0	0	1	0
Disorderly Conduct	6	0	1	1
Driving Under Influence	7	0	6	0
Drug Offense Arrests	18	0	8	0
Forgery	6	0	0	0
Homicide	0	0	0	0
Juvenile Offense Arrests	1	0	0	3
Kidnapping	0	0	0	0
Kidnapping: Aggravated	0	0	0	0
Liquor Related Offense Arrests	3	0	5	0
Phone Harassment	0	0	0	0
Sexual Offense Arrests	1	0	1	0
Suicide	0	0	0	0
Vehicle Related Arrests	6	0	25	1
All Other Arrests	46	0	44	3
Sub Total	109	0	105	15

TOTAL ARRESTS

131

130

**REPORTED CRIMES
PART ONE OFFENSES**

	AUG 2012		AUG 2011	
	REPORTED	INACTIVE	REPORTED	INACTIVE
Arson	1	1	0	0
Assault: Aggravated (Agg Battery)	0	0	2	2
Burglary	11	8	12	5
Murder	0	0	0	0
Rape	0	0	0	0
Robbery	0	0	1	1
Theft	63	36	22	17
Theft: Auto	1	1	1	0
Sub Total Part One Crimes	76	46	38	25

OTHER CRIMES

Assault	0	0	0	0
Assault: LEO	0	0	0	0
Battery	1	1	6	5
Battery: Domestic	10	9	7	0
Battery: LEO	0	0	0	0
Criminal Damage Property	14	13	26	21
Criminal Threats	0	0	1	1
Disorderly Conduct	5	5	2	2
Driving Under Influence	8	8	7	6
Drug Offenses	19	18	8	8
Forgery	25	5	0	0
Homicide	0	0	0	0
Juvenile Offenses	4	3	3	3
Kidnapping	0	0	0	0
Kidnapping: Aggravated	0	0	0	0
Liquor Related Offenses	3	3	5	5
Phone harassment	1	1	1	1
Sex Offenses	5	2	3	2
Suicide	2	2	0	0
Vehicle Related Offenses	12	11	30	30
All Other Offenses	53	47	55	52
TOTAL CRIMES	162	128	154	136

OTHER ACTIVITIES

Calls for Service	1178	1107
Traffic Accidents	18	13
Warrants Served	27	28

TOTAL INCIDENTS / CALLS FOR SERVICE

1461

1340

ANIMAL CONTROL

ACTIVITY	Aug-12	Aug-11	Yr to Date
Domestic animals taken to shelter	12	9	100
Dead animals (wild) collected	5	11	52
Dead animals (domestic) collected	0	6	18
Wild animals trapped	16	29	120
Trap usage (days)	81	78	259
Dog ordinance violation citation	0	4	5
Cruelty to animal violation	0	0	0
Calls for service (non-trap)	26	104	419

FINES

COURT FEES

2012	Violation	COURT FEES		LET Fee [\$20.00]	Ct. Trng. [\$.50]	Fee Totals	Combined Total
		Misc.	Ct. Costs [\$75.00]				
January-12	\$23,392.00	\$2,780.30	\$6,097.50	\$1,272.12	\$48.38	\$10,198.30	\$33,590.30
February-12	\$28,817.40	\$930.00	\$6,701.00	\$1,412.12	\$53.88	\$9,097.00	\$37,914.40
March-12	\$29,594.20	\$1,347.98	\$9,548.50	\$1,977.49	\$74.01	\$12,947.98	\$42,542.18
April-12	\$26,118.00	\$162.00	\$5,408.50	\$1,157.00	\$42.50	\$6,770.00	\$32,888.00
May-11	\$17,675.46	\$339.19	\$6,003.37	\$1,517.98	\$52.12	\$7,912.69	\$25,588.15
May-12	\$29,215.02	\$1,298.98	\$5,764.00	\$1,261.88	\$45.12	\$8,369.10	\$37,585.00
June-11	\$19,938.23	\$688.00	\$5,940.00	\$1,734.51	\$52.49	\$8,415.00	\$28,353.23
June-12	\$18,182.39	\$209.67	\$4,787.50	\$934.62	\$37.88	\$5,969.67	\$24,152.06
July-11	\$ 14,858.49	\$ 162.00	\$3,939.00	\$1,021.38	\$32.62	\$7,346.49	\$ 22,204.98
Jul-12	\$18,104.31	\$975.02	\$5,494.21	\$1,182.38	\$45.12	\$7,696.73	\$25,801.04
Aug-11	\$26,093.25	\$912.85	\$7,853.50	\$2,451.64	\$71.86	\$11,289.85	\$37,383.10
Aug-12	\$22,580.92	\$637.00	\$6,123.77	\$1,368.76	\$50.47	\$8,180.00	\$30,760.92

MUNICIPAL COURT	
CASES FILED	Jul-12
Crimes against persons	6
Crimes against property	8
Driving Under The Influence	4
Fleeing a Police Officer	0
Other Crimes	26
Reckless Driving	0
Traffic Violations	97
TOTAL CASES FILED	141
(fines & court costs)	\$28,704.69
CASE DISPOSITIONS	
Bond forfeitures	0
Dismissals	26
Diversion agreements	0
Guilty pleas	104
Trials (on pleas of not guilty)	2
TOTAL CASES CLOSED	132

-- Violation Fines-- Fine paid for violating the law.
 --ADSAP-- Includes payments for all alcohol/ drug evaluation services.
 --Court Costs-- Costs deposited general fund of city (salaries, computers, overhead, etc.).
 --Law Enforcement Training Fee-- Helps fund State training for Police Officers.
 --Juvenile Detention Facility Fund-- Helps fund juvenile detention centers.
 --Trauma Fund-- Submitted to state for trauma fund
 --CVA-- Crime Victims Assistance Fund submitted to state for victims of crime.
 --PFA-- Protection from Abuse-- submitted to state to aid in abuse victims.
 --KCPOST-- Kansas Commission on Peace Officers Standards and Training Fund-- submitted to state.
 --CT. Training Fund-- submitted to the state for education of the court personnel.
 --Misc.-- Restitution paid to victims, Witness fees, overpayments and reinstatement fees.

ADSAP no longer exist.
 The above LET Fee includes:
 JDFF \$2.00
 Trauma \$1.00
 CVA \$0.50
 PFA \$0.50
 KPOST \$2.50

CITY OF OTTAWA, KANSAS
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: City Commission
FROM: Andy Haney, Public Works Director
COPY TO: Larry Matile, Doug Reinert, Lyle Posey, Debbie Badders, Lisa Borjas
SUBJECT: (August 2012) Monthly Activity Report/Public Works Projects Update
DATE: September 4, 2012

Project descriptions will only be included when a project first appears. Subsequent reports will only list significant activity related to an ongoing project or changes that occur during the reporting period. Ongoing projects for which there is no significant activity during the month are not listed.

K-68 & Davis Intersection Improvement. The intent is to schedule the construction for calendar year 2013. All of the necessary property acquisitions have been completed, and work has commenced on the utility adjustments. Work continues to finalize plans and contract documents for bidding and construction.

Davis Road Improvements. Staff continues to evaluate the possible funding alternatives for this improvement while considering how the project should be phased in the event the entire project (K-68 to Sand Creek Road) cannot be completed at the same time.

Streets Division Projects. Several concrete projects completed during the month included a concrete valley gutter to better pass stormwater through the intersection at 7th & Oak; construction of an accessible ramp at the Airport; replacing a section of sidewalk along the east side of Main at the (N) levee; and a pavement repair on K-68 east of Main. Asphalt projects included modification of the entrances to Apple Lane and Orchard Drive from 15th Street to reduce the severity of a “bump”; and repair of some rutting on Davis Road in advance of a chip & seal treatment completed by the contractor working for Franklin County. The annual pavement marking (paint) project has been ongoing, as has crack sealing, pothole patching and grounds maintenance along roadsides in preparation for September events. A significant number of replacement street signs have been purchased, and crews have commenced installation as time is available.

Street Rehabilitation. The remaining mill & overlay projects are tentatively scheduled by Killough Construction for completion in September.

Stormwater Utility. Staff continues working to complete the detailed work necessary such that all is prepared for the first billing in January 2013.

Parks. Crews have invested significant time watering trees due to the high temperatures and dry weather. Use of gator bags and temporary watering systems are in place to save as many trees as our resources can allow. There some indications the trees have become susceptible to diseases as a result of the extreme drought. All possible steps are being taken to preserve trees, but some loss is anticipated. Parks crews worked jointly with the ORC, USD 290 and OU to install windscreens at the tennis courts in Forest Park. Work has commenced to groom park facilities for significant community events during September (tractor show, car show, etc.). The new climbing wall was installed at the north playground in Forest Park late in July. Delayed delivery of other playground components has resulted in later opening time for this new “area” than had been anticipated. Crews anticipate having this project complete before the car show.

MEMORANDUM: Public Works Projects Update (p. 2)

September 4, 2012

Cemeteries. Following are excerpts from the monthly Sextons' Reports:

	SPACES SOLD		BURIALS	
	(mo)	(YTD)	(mo)	(YTD)
Highland Cemetery	4	43	9	56
Hope Cemetery	0	1	0	3

City Garage. The Garage routinely services vehicles and equipment for all City departments. The most typical service is a periodic oil change with associated checks and services (preventive maintenance). During the month of August 2012 there were 31 equipment repairs and 17 preventive maintenance services completed by Garage personnel. Two repairs were completed by outside vendors.

Airport Activities Report. Shown below are the daily "operations" reported by the Airport Manager.

WEEK OF	M	T	W	Th	F	S	S	TOTAL
7/30/2012			4	13	2	22	31	72
8/6/2012	4	2	6	58	12	40	11	133
8/13/2012	15	0	20	13	18	90	50	206
8/20/2012	10	3	10	7	0	0	26	56
8/27/2012	4	8	4	34	4			54
CY 2012 TOTALS	139	155	148	265	172	450	345	1674

Airport fuel sales (100LL) during August 2012 amounted to 152 gallons (CY 2012 to date = 735 gal). The Airport Manager reported that the "Courtesy Car" was used twice during the month, totaling 17 miles.

Runway 17-35 Design/Construction. The project has been substantially completed, and was opened to the public the morning of 21 July. Some electrical components, approved by the FAA late in the project, remain to be completed when parts arrive. A ribbon cutting event has been scheduled for the morning of 7 September.

Airspace Protection. A joint city-county open house has been scheduled the evening of 6 September at the Airport so affected property owners can review the intent of the project and assess how they might be affected. Following the open house, there will be public hearings conducted by both planning commissions.

Airport Land Acquisition. The 54 (+/-) acre property acquisition has been completed abutting the south side of the Airport property.

To: City Manager
From: Jim Bradley
Date: Sept. 4, 2012
Subject: Utilities Project Activities

EASTSIDE INTERCEPTOR SANITARY SEWER PROJECT

This project was recommended for completion in the recently completed Professional Engineering Consultants (PEC) Eastside Interceptor Sewer Assessment. The project consists of replacement, repair and upgrade of the sanitary sewer eastside interceptor from near 15th St. and Rockwood Acres north to near the sanitary sewer treatment plant. This project will help eliminate wet weather overflows and provide the needed capacity for growth to south of I-35. The project is estimated to cost \$4,707,513 at this time. The City Commission has authorized staff to proceed with the engineering phase of the project and authorized the necessary rate increase to fund the project on February 1, 2012

The Kansas Department of Health and Environment has given approval to go forward with the bidding process for the project. The Corps of Engineers has now indicated additional changes to the installation of the sewer near the levy system. PEC sent a recommendation to the Corps of Engineers the week of August 20th and have not yet had a reply.

POWER PLANT RICE NESHAP PROJECT

The Environmental Protection Agency published an update on May 3, 2010 of the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR part 63. This mandate will require nationwide design, testing and installation of emission controls equipment on all large stationary Reciprocating Internal Combustion Engines (RICE), including those at our power plant.

The retro-fit to all units has been completed. Testing of all units has been completed. The units meet the EPA (RICE) emission regulations. We however are continuing to pursue better performance of the catalyst on each unit to ensure not only meeting but exceeding the regulations.

KMEA POWER SUPPLY COMMITTEE

The purpose of this committee is to identify power projects that will meet electric municipal member needs in a timely fashion. The committee will also be responsible for directing and reviewing the KMEA power supply plan and for recommending power supply projects and action items. The Director of Utilities is now serving on a KMEA

Power Supply Committee and the Finance Director, Scott Bird will be serving on the KMEA Finance Committee. All avenues of future power supply, including self owned generation or jointly owned generation are being carefully studied.

The Power Supply Committee met on August 15th and discussed the following. An engineering firm provided a presentation focused around Distirubuted Peaking Generation Alternatives. This presentation included current peaking technologies, air quality consideration, project schedules and discussions regarding permitting. Two technologies were discussed Reciprocating Internal Combustion Engines and Combustion Turbines. Comparisons between the two technologies were discussed in some depth including air permitting. Updates on planning for cities that have not replied to the letter requesting information was also provided. Plans to visit a natural gas combined cycle generating plant were discussed. The trip is currently scheduled for Sept. 7th. as part of our next Committee meeting. The Committee also determined we need to meet twice each month in order to speed up our progress.

SANITARY SEWER MAINTENANCE

Due to the unusual amount of water main breaks during the month we did not televise or clean any additional lines during the month of August.

WATER DISTRIBUTION MAINTENANCE

Repaired twenty-four main breaks. Installed 65 feet of 6" replacement line. Due to the abnormal number of breaks in one section of line have slated a three block replacement for the month of September.

WASTEWATER TREATMENT PLANT REPORT

AUGUST 2012

		2012		2011
		This Month	Year To Date	Same Month
				Year To Date
TOTAL FLOW, MG		16.8	141.7	19.9
PEAK DEMAND DAY, MG		0.917	4.564	1.064
AVERAGE DAILY FLOW, MGD		0.542	0.58	0.643
 AVERAGE PLANT INFLUENT				
	BOD5, MG/L	314.9		202.3
	TSS, MG/L	259.4		209.2
	AMMONIA, MG/L	30.45		26.38
	pH, SU	7.11		7.35
 AVERAGE PLANT EFFLUENT				
	(KDHE STD.)			
BOD5, MG/L	(30 MG/L)	3.3		5
TSS, MG/L	(30 MG/L)	2.3		1.4
AMMONIA, MG/L	(4.1 MG/L)	0.65		4.08
pH, SU	(6.0 - 9.0)	7.2		7.39
PERCENT REDUCTION BOD5		98.9		97.6
PERCENT REDUCTION TSS		98.6		99.3
 KWH OF ELECTRIC USED				
	Wastewater Plant	126,120		115,820
	River Lift Station	2,315		2,423
	Logan Lift Station	3,116		3,222
	Mulberry Lift Station	2,715		3,449
	Princeton Lift Station	1,754		1,698
	Rockwood Lift Station	187		195
	Pin Oak Lift Station	215		255
	Diamond A Lift Station	7		12
	Fairway Lift Station	128		161
	Rock Creek Lift Station	463		531
	TOTAL KWH	137,020		127,766

WASTEWATER TREATMENT PLANT REPORT

AUGUST 2012

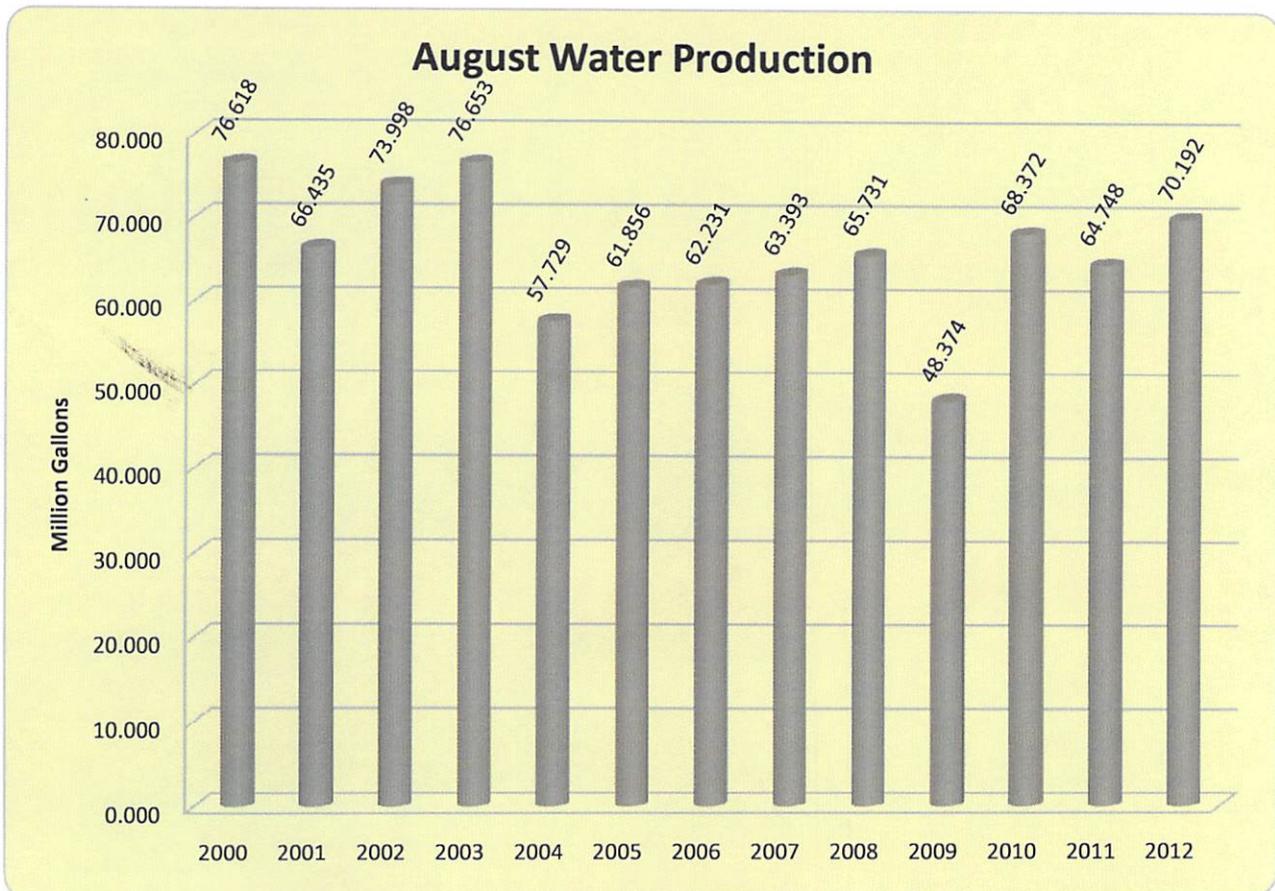
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	Rock Creek Lift Station	463		531
	TOTAL KWH	137,020		127,766

WATER TREATMENT PLANT PRODUCTION REPORT AUGUST 2012

	2012		2011		Year to Date
	This Month	Year to Date	This Month	Year to Date	Percentage of Increase / Decrease
Monthly Plant Influent	74,072,000	489,524,000	69,021,000	425,096,000	13%
Monthly Plant Effluent	70,192,000	467,225,000	64,748,000	403,975,000	14%
Sludge Water Reused	1,777,700	19,613,100	3,349,800	23,284,700	-19%
Average Daily Influent	2,389,419	1,998,057	2,226,484	1,735,086	
Average Daily Effluent	2,264,258	1,907,041	2,088,645	1,648,878	

Weather Information

Total Precipitation	0.95	13.05	2.70	23.49	-80%
Average High Temperature	91	75	93	68	9%
Average Low Temperature	61	49	67	45	8%



OTTAWA LIBRARY						
General Fund						
Receipts & Expenditures						
8/31/2012						
Budget Code	Budget Amount	Current Month	Yr to Date Actual	Encumb. paid in	YTD % of Budget	Budget Balance
					8/12=66.67%	
Beginning Cash Balance	3,624.00	291,661.11	3,623.83			
Receipts:						
301.00 City Appropriations	756,582.00	0.00	659,443.77		87.16%	-97,138.23
302.00 KAN-ED	1,000.00	0.00	2,759.55		275.96%	1,759.55
303.00 Interest	1,000.00	66.84	405.70		40.57%	-594.30
304.00 State Aid	6,000.00	0.00	5,387.00		89.78%	-613.00
305.00 NEKLS Grants	25,455.00	0.00	12,727.50		50.00%	-12,727.50
306.00 Fines and Fees	13,000.00	890.94	9,336.26		71.82%	-3,663.74
307.00 Copiers & Computers Income	7,000.00	506.35	4,314.13		61.63%	-2,685.87
308.00 Endowment Interest	8,400.00	0.00	0.00		0.00%	-8,400.00
313.00 Gift	325.00	0.00	50.00		15.38%	-275.00
316.00 Programs Income	0.00	0.00	0.00		0.00%	0.00
321.00 General Fund Reserve	0.00	0.00	0.00		0.00%	0.00
328.00 Erate Reimb	0.00	0.00	0.00		0.00%	0.00
333.00 Transfers In (Capital, FOL, & Endowment)	0.00	0.00	500.00		0.00%	500.00
334.00 Donations	0.00	0.00	0.00		0.00%	0.00
338.00 Vangent, Inc Gift- FOL	0.00	0.00	0.00		0.00%	0.00
339.00 Prime Time Family Reading Grant	0.00	0.00	0.00		0.00%	0.00
340.00 FOL Grant (Programming)	0.00	0.00	0.00		0.00%	0.00
341.00 Grant/Fundraising	3,545.00	10.00	125.35		3.54%	-3,419.65
342.00 Allen Loyd Memorial	0.00	0.00	1,570.00		0.00%	1,570.00
Total Income	825,931.00	1,474.13	696,619.26	0.00	84.34%	-129,311.74
Beginning Balances Restricted Funds:						
Weber/Sinclair Gift (Children's)	310.79					
Starkey (Children's)	29.39					
Bill Bennett (Art/Arch Memorial)	5.34					
Asa Albert Smith Memorial	33.80					
EXPENDITURES:						
Salaries, etc.						
401.00 Staff Salaries	485,007.00	54,463.92	296,089.80		61.05%	188,917.20
402.00 Social Security	36,552.00	4,047.31	21,767.82		59.55%	14,784.18
403.00 KPERS	30,100.00	3,360.03	17,452.71		57.98%	12,647.29
404.00 Employee Insurance	48,955.00	3,431.21	27,089.16		55.33%	21,865.84
405.00 Unemployment	493.00	81.01	329.26		66.79%	163.74
407.00 Worker's Comp	2,700.00	0.00	867.00		32.11%	1,833.00
410.00 Off. & Dir/Emp Prac Insurance	0.00	0.00	1,489.00		0.00%	-1,489.00
Subtotal Salaries,etc.	603,807.00	65,383.48	365,084.75	0.00	60.46%	238,722.25
Materials and Programs						
501.00 Juvenile Books	21,350.00	1,084.17	10,229.61		47.91%	11,120.39
502.00 Adult Books	47,898.00	5,091.61	36,922.21		77.09%	10,975.79
503.00 Periodicals	7,000.00	200.89	5,915.19		84.50%	1,084.81
506.00 A.V. Materials	20,000.00	1,133.12	11,899.40		59.50%	8,100.60
507.00 Programs	3,000.00	182.67	873.93		29.13%	2,126.07
513.00 Gift	0.00	0.00	425.17		0.00%	-425.17
518.00 Electronic Access Expenditures	1,000.00	26.31	259.94		25.99%	740.06
520.00 A.V. Materials-Children	4,000.00	16.33	1,601.42		40.04%	2,398.58
542.00 Allen Loyd Memorial Expenditures	0.00	0.00	506.12		0.00%	0.00
Subtotal Materials and Programs	104,248.00	7,735.10	68,632.99	0.00	65.84%	35,615.01

Ottawa Main Street Association
Membership List

Advantage Ford
Agler & Gaeddert, Chartered
Arvest Bank
Audio Concepts
Bellacuccina
Betty Birzer
Bob Marsh
Capturing the Moment Photography
Chris & Brandy Stitt
City of Ottawa
Classic Oak Furniture
Cornerstone Bookstore
Country Living
Country Mart
Dales Body Shop
Deana Bond
Delialah's Serenity Salon
Designs by J Julee Bowling
Douglas Loyd, Architect
Edward Jones Investment
Epiphany Counseling, Diane Seymour
Exclusive 3rd St. Spa
Franklin County Convention & Visitors Bureau
Front Porch Antiques
Front Row Sports
Gala Proctor
Gerald Powers Attorney at Law
Great Life
Green, Finch and Covington
Greenfield & Davidson
Gun Guys
Hal Bundy
Haley Title
Harry & Ruth Wasko
Hawkeye Helicopter
Helen and David Hood
Jane Creighton
Jazzersize
Jim & Linda Lewis
Juleah Manis
Kansas State Bank
Keim's Bakery
Keith King Agency
KOFO Radio
Kramer's Pharmacy
Kristin Allan
Lenni Giacin
Leslie Quillen
Lewis and Linda Reed
M & N Sportshop
Marie Seneca
Morgan, Don & Pat
Nana's Fudge
Norris Insurance
Ottawa Chamber of Commerce
Ottawa Family Physicians
Ottawa Herald
Ottawa Nautilus
Ottawa Paint, Frames and Décor
Our House Runneth Over Antiques,LLC
People's Bank
Pink Suitcase
Pizza Time
Plaza Grill & Cinema
Poncho's
Prairie Paws Animal Selter
Prairie Rose
Prestige Real Estate
Primitive Treasures
RaJeanna Barnhart
Ransom Memorial Hospital
Rick Croucher
Royal Cleaners
Sarah Shisler, massage therapist
Scott Wasser
Shari Perry
Son Burroughs
Stan's Cleaning Service
State Farm Greg Seymour
Sutton Jewelry
Take It Outside
The Sandbar (Dana Coopey)
Tom's Main Street Market
Total Bookkeeping Solutions,Inc.
Tracey Wade
Trendel Lumber Co. Inc.
Turner Flowers
United Way of Franklin County
Vicki Van Kooten
WiseGuys Construction



Ottawa Main Street Association will provide a financial report
at the Study Session meeting on October 15, 2012.

Ottawa Recreation Commission
Minutes of the Regular Meeting
Wednesday, August 15, 2012

I. Call to Order:

Chairperson Dan Stepp called the meeting to order at 6:00 pm. Commissioners Present: Linda Spencer, Jeff Curry and Joe Goedert. Tony DeLaTorre absent. Staff Present: Josh Blanco, Tommy Sink, Brandy Shoemaker and Glenda Guge. Guests – Alyssa Miller, Marge Stevens, and Jeff Richards.

II. Pledge of Allegiance

III. Declarations: None

IV. Additions to Agenda: New business: Self Defense Class, Evaluation of Baseball Fields, And Employee of Year Presentation.

Old Business: Goppert Building hours

V. Consent Agenda (Minutes, Financial Statements, Bills & Reports)

Commissioner Stepp asked to review the financials regarding small balance on Solutions Bank account.

Commissioner Spencer moved to approve the Consent Agenda A,C,D,E for August 15, 2012. Commissioner Curry seconded the motion. All in favor 5-0.

VI. Public Discussion – None

VII. Departmental Reports –

Directors Report – Tommy Sink shared his report . The 501(3)(c) is still in process. Chairperson Stepp visited with the IRS and Lynn Jenkins at the congressional level.

Recreation Manager Report –Brandy Shoemaker’s report. Programmers are busy with new programs. The pool is winding down. There were 22,778 patrons at the pool this season. Taylor Burnett has accepted a position closer to his family. The Pooch Plunge will be Sept. 4. Punt Pass & Kick will be teamed with and OU home game. The Elks Soccer Shoot will pair with the ORC soccer games.

Facility Manager Report – Josh Blanco shared his report. Repairs are finished to the Varsity girls dugouts. The graffiti on the DWCC has been removed and a police report filed. The back stops are down and ready for new ones on the small fields. In the process of salvaging clay material on the small fields.

VIII. Action Items

A. Old Business –

1. Goppert Building Hours – Staff shared opinions concerning the hours of operation during the summer. It was proposed to change hours at Daylight Savings Time to 6 am – 8:30 pm.

The Board concurred.

B. New Business –

1. Employee of the Year Presentation for Grounds Crew- Josh Blanco wrote a poem in honor of Alyssa Miller for her two years of hard work on the Grounds Crew.
2. Self Defense Class – Discussion was held on the possibility of holding self-defense classes. There are different programs available. Staff will look into the options available.
3. Evaluation of baseball fields – Chairperson Stepp, Tommy, OHS baseball/legion coach met at Orlis Cox to discuss a wish list for the future. Commissioner Goedert was asked to put together some numbers on improvements.

IX Adjourn

Commissioner Spencer moved to adjourn the regular meeting. Commissioner Goedert seconded the motion. 4-0 in favor. Adjourned at 6:35 pm.

Action Items

Regular meeting/Annual Facility Tour , **Monday, Sept. 10, 2012**. Meeting time 5:30 pm at Goppert Building, 705 W. 15th. The Facilities Tour will begin immediately and commence the regular meeting upon arrival back to the Goppert Building.

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	2012 Totals	2011 Totals	2010 Totals	2009 Totals	2008 Totals	2007 Totals	2006 Totals					
Final Disposition																								
Reclaimed	7	5	27	8	13	10	4	8					82	82	79	107	115	116						
Total Adopted	61	50	69	61	87	86	87	80					581	671	476	276	327	280	314					
Dog	42	39	52	42	60	44	64	56					399	470		191	206	211	252					
Cat	19	11	16	13	27	40	23	24					173	195		85	110	57	47					
Other	3	0	1	6	0	2	0	0					12	8		0	11	11	15					
Total PTS	10	3	23	26	44	91	89	86					372	379	754	560	972	896	874					
Dog	1	2	9	10	9	7	13	9					60	101	245	147	415	436	370					
Health	1	0	2	6	5	0	3	7					24	53		54	99	184	122					
Temperament	0	2	6	4	4	4	2	1					23	21		46	208	174	110					
Breed	0	0	0	0	0	0	0	0								5	19	32	73					
No Room	0	0	0	0	0	3	8	1						18		9	75	41	37					
Age	0	0	0	0	0	0	0	0								0	0	0	16					
No Interest	0	0	1	0	0	0	0	0					1	9		0	14	5	10					
Court Order	0	0	0	0	0	0	0	0								0	0	0	2					
Cat	9	1	14	16	35	84	76	77					312	277	506	196	556	460	499					
Health	5	0	9	5	30	49	54	43					195	135		48	226	254	240					
Temperament	0	0	2	0	1	3	1	4					11	13		22	107	77	75					
Feral	4	1	1	9	4	7	4	6					36	71		9	52	58	70					
No Room	0	0	0	0	0	12	17	23					52	28		33	101	50	67					
Age	0	0	2	2	0	13	0	1					18	30		27	70	21	47					
Other	0	0	0	0	0	0	0	0					0	1	3	1	1	0	5					
Total HAHS Rescue	35	22	24	16	26	31	33	13					200	247	331	275	374	382						
Dog	21	16	21	6	19	15	18	9					125	134		146	209	231						
Cat	14	6	3	10	7	16	15	4					75	94		129	165	151						
Total all other Rescue															-11	21	5	33						
Dog	0	4	10?	19	1	9	18	42					93	38		21	5	16						
Cat	8	12	4	4	0	0	4	0					32	11		0	0	17						
End of Month Head Count																636	1933	1666						
Dog	69	77	81	96	82	90	84	112					691	767		276	816	829						
Cat	37	35	49	95	135	123	219	114					807	637		358	1089	830						
Other	0	2	3	0	1	0	0	0					6	9		2	28	13						
Ottawa ACO	6	9	24	12	14	12	9	13					99			11	47	45						
ACO Dog	5	3	13	2	6	5	7	12					53	118	95	4	9	8						
ACO Cat	1	0	0	0	1	0	0	1					3		0	7	38	38						
Intake by City PD Dog		5	11	9	8	7	2	13					55											
Intake by City PD Cat		1	0	1	0	0	0	0					2											
Total Income	124	101	196	235	222	264	258	265					1665	1528										
In Foster Care PPAS													0	94										