

OSAWATOMIE CITY COUNCIL  
AGENDA

February 2, 2023

6:30 p.m. | Memorial Hall | 411 11th Street

1. Call to Order – Continuation of the January 26, 2023 City Council meeting.
2. Roll Call
3. New Business
  - A. Ordinance 3823 – Ordinance Finalizing the Deannexation of the Northland Properties
  - B. Resolution 1100 – Resolution Appointing \_\_\_\_\_ to Fill the Unexpired Term of Councilmember Kirk Wright.
    - i) **OATH OF OFFICE FOR** \_\_\_\_\_
  - C. Resolution 1103 – Adopting the “List of 55 Projects” for 2023.
4. Mayor’s Report
5. City Manager & Staff Report
6. Adjourn

*NEXT REGULAR MEETING – FEBRUARY 9, 2023*



<b>ACTION ITEM SUMMARY</b>	Item Number:	3.A
	Date:	January 31, 2023
City Manager	From:	Mike Scanlon

**RE:** Ordinance 3823 – An Ordinance excluding land from the City of Osawatomie, Kansas.

**RECOMMENDATION:** That the City Council approve Ordinance 3823 excluding land from the City of Osawatomie, Kansas.

**DETAILS:** In June of 2022 the City of Osawatomie received deannexation petition(s) from the Northland Neighborhood and other property owners. Those petitions are in the packet and are dated 6/21/2022 and 6/23/2022. The City Council held conversations in June and a final Special City Council Meeting with affected property owners on 9/1/2022. On 9/7/2022 the City Council passed Resolution 1046 and staff began the process of deannexation. This ordinance is the last step in the process with the county assuming responsibility for the area on March 1, 2023.

Related Statute / City Ordinances	Resolutions 1046
Line-Item Code/Description	
Available Budget:	

PETITION FOR DEANNEXATION

COMES NOW, pro se petitioners, Mark and Tammy Goddard, owners of property parcels identified by number as 061-171-12-0-03-001.00-0 and 061-171-12-0-00-04-001.00-0 to petition the City Council of the City of Osawatomie to deannex the previously cited properties which were annexed in 2008 despite opposition from the petitioners. In support of this petition the petitioners do state and say the following:

1. The aforementioned parcels were annexed in 2008.
2. The annexation occurred over the objections of the petitioners.
3. The Annexation did not benefit the Petitioners in any manner as the Petitioners were already recipients of all the benefits the City was offering in its annexation plan as the result of an easement agreement between the City and the petitioners
4. The City was to provide the benefits and services within 5 years. It has now been 14 years and no new services have been provided and in truth cannot ever occur with these two properties.
5. The Annexation in fact harmed the Petitioners as it negated a benefit that was supposed to be compensation for the use of the property for the cities pump station in lieu of an eminent domain taking and financial compensation for the taking in essence.
6. Deannexation would remedy the harms that resulted from the annexation by returning the properties to their prior status and working relationship to the City.
7. Failure by the City to deannex these properties will only perpetuate a cycle of litigation and animosity that can be avoided. If the counsel denies this petition, then a petition will be filed with the County Commissioners pursuant to K.S.A. 15-532 wherein the failures of the City to meet its obligations as outlined in the annexation plan will be outlined. If the County Commissioners fail to deannex then a legal action will follow seeking a declaration of a "taking in essence" followed with an action for compensation.
8. It would be just an equitable to deannex the abovementioned properties.

WHEREFORE the Petitioners pray the petitioners pray that the City Council will deannex these properties and correct the mistake of 2008.

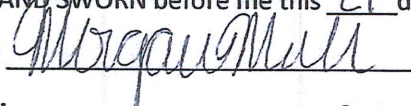
  
Mark Goddard, Petitioner

Respectfully submitted by:

  
Tammy Goddard, Petitioner

SUBSCRIBED AND SWORN before me this 21 day of June, 2022

NOTARY PUBLIC



My commission expires 3-8-26

County of Miami

State of Kansas



June 23, 2022

Osawatomie City Council  
Osawatomie, Kansas 66067

To Mike Scanlon

As property owners in the North Land neighborhood, which was annexed into the city limits in 2008, we wish to thank you for giving us the opportunity on June 9, 2022, to express our concerns and the desire for the city to de-annex and return us to Miami County services. This is the first time since 2008 we felt our concerns were being heard and considered.

We are again requesting you vote yes to de-annex this neighborhood.

Respectfully,

Virginia Adams

Chris Adams

James F. Hater

Marwa Hater

Ken Rimes

Doree J. Rimes

Mendi M. Abegg

Leah C. Cunniff

David C. Cunniff

John R. Shaw

Mike Baly

Steve Baly

Renee Baly

Amanda Baly

Todd Anhalt

Mike Anhalt

Mike Anhalt

Bolmaro Modles

Patricia Garcia

Ernesto Garcia

Cristianne S. Badders

Danella Wyatt

John A. Spivey

Rick Chubb

Patrick Foster

John Smith

Karla Smith

**WORK SESSION MINTUES**  
**June 9, 2022**

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Osawatomie, Kansas. **June 9, 2022.** A work session was held at Memorial Hall located at 411 11<sup>th</sup> Street. Mayor Hampson called the work session to order at 5:00 p.m. Council members present were Diehm, Dickinson, LaDuex, Bratton, Filipin and Caldwell. Council member Wright arrived at 5:06 p.m. and Council member Macek arrived at 6:07 p.m. City Staff present at the meeting were: City Manager Mike Scanlon, Deputy City Manager Bret Glendening, City Clerk Tammy Seamands City Attorney Jeff Deane and Business Liaison Kari Bradley. Members of the public were Virginia Adams, Jim Katzer, Marva Katzer, Steve Grimes, Loree Grimes, Harriett Shaw, John Shaw, Gib Davis, Leah Smith, Doug Smith, Carol Gatlin, Patricia Garcia Soriano, Ernesto Garcia Soriano, Keith Adams, Cliff Taylor, Steven Gamblin, Betty Gamblin, Mendi Abegg, Daniel Abegg, Todd Archart, JR Balog, John Lofing, Renee Lofing, Chris Adams, Mark Goddard

**WORKSHOP.** A presentation was given by the City Manager Mike Scanlon on annexation/de-annexation of properties in and around the City of Osawatomie. The public was then allowed to give their input and concerns.

**OTHER DISCUSSION/MOTIONS.**

The work session ended at 6:18 p.m.

/s/ Tammy Seamands  
Tammy Seamands, City Clerk



(Published in the Osawatomie Graphic, June 18, 2008) 1t

ORDINANCE NO. 3641

AN ORDINANCE ANNEXING LAND TO THE CITY OF  
OSAWATOMIE, KANSAS.

WHEREAS: the following described land is located in Miami County, Kansas; and

WHEREAS: the following described land meets one or more of the conditions prescribed by KSA 12-520(a)(1-6); and

WHEREAS: the Governing Body of the City of Osawatomie, Kansas finds it advisable to annex such land;

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

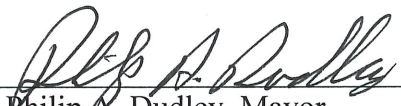
SECTION ONE: That the following described land, meeting the conditions for annexation prescribed in KSA 12-520(a)(1-6), is hereby annexed and made a part of the City of Osawatomie, Kansas:

All that part of the Southwest Quarter of Section 1, and all that part of the Northwest Quarter of Section 12, all being in Township 18, Range 22, Miami County, Kansas, described as follows: All of the West Half of the South West Quarter of said Section 1, lying West of the Westerly right-of-way line of U.S. 169 Highway as now established, and all of the Southeast Quarter of the Southwest Quarter of said Section 1, lying West of the Westerly right-of-way line of U.S. Highway 169 as now established, and all of the North Half of the Northwest Quarter of said Section 12, lying West of the Westerly right-of-way line of U.S. Highway 169 as now established.

SECTION TWO: EFFECTIVE DATE. That this ordinance shall be effective from and after its passage, approval, and one publication in the official City newspaper.


PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 12th day of June 2008.

APPROVED AND SIGNED by the Mayor.

  
Philip A. Dudley, Mayor  
City of Osawatomie

(SEAL)

ATTEST:

  
Ann Elmquist, City Clerk

### SKETCH OF AREA ANNEXED

**ORDINANCE NO. 3823**

**ORDINANCE 3823 AN ORDINANCE EXCLUDING LAND FROM THE CITY OF OSAWATOMIE, KANSAS**

**WHEREAS**, the following described land is completely bounded by the city of Osawatomie, Kansas; and

**WHEREAS**, a petition from the landowners of this area was duly filed with the City Clerk of the City of Osawatomie, Kansas dated June 23, 2022, pursuant to K.S.A. 12-504 and K.S.A. 12-505, as amended.

**Section 1. Land to be excluded from the city.** That the following described land, meeting the conditions for deannexation described in K.S.A. 12-504 and K.S.A. 12-505, as amended be excluded from the City of Osawatomie.

All that part of the Southwest Quarter of Section 1, and all that part of the Northwest Quarter of Section 12, all being in Township 18, Range 22, Miami County, Kansas described as follows: All of the West Half of the South West Quarter of Said Section1, lying West of the Westerly right-of-way line of U.S. 169 Highway as now established, and all of the Southeast Quarter of the Southwest Quarter of said Section 1, lying West of the Westerly right-of-way line of U.S. Highway 169 as now established, and all of the North Half of the Northwest Quarter of said Section 12, lying West of the Westerly right-of-way line of U.S. Highway 169 as now established.

**Section 2. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication (or publication of a summary thereof) in the official City newspaper.

**PASSED** by the governing body of the City on February 2, 2023 and signed and **APPROVED** by the Mayor.

(SEAL)

\_\_\_\_\_  
Nick Hampson, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Seamands, City Clerk





ACTION ITEM SUMMARY	Item Number:	3.C
	Date:	1/31/2023
	From:	Mike Scanlon

**RE:** Resolution 1103 – Resolution adopting the “List of 55 Projects” for 2023.

**RECOMMENDATION:** Approve Resolution 1103 adopting the “List of 55 Projects” for 2023 as presented by City Staff.

**DETAILS:** One of the most effective and easiest ways to manage the work of the City is to on an annual basis agree to the work that is currently underway or proposed to be undertaken by staff. This **List of 55** is only finalized after review by the City Council. City Staff will use this list to prioritize our work and make sure these 55 items get priority to other items that some people in the community might bring up or want us to consider. This **List of 55** also updates the community on items undertaken that they might not be aware of. In larger organizations, with much larger staffs these often appear as department workplans that are then “rolled-up” into organization workplans. We are using our **List of 55** as a simple planning and priority tool that. This is the beginning for what one day will become a more formalized and build-out workplan built our five community goals. **This is the beginning of organizational and community alignment.**

# City of Osawatomie

## List of 55 Projects for 2023

1. 2023 Tourism Committee Support
2. 2023 Trail Commission Support
3. 2023 Art Commission Support
4. 2022 Audit
5. 2023 Budget Detail and Budget Book
6. 2024-2028 Five-Year Financial Forecast
7. 2024 Budget Development
8. June 2023 DH Reviews
9. December 2023 DH Reviews
10. Strategic Plan Adoption 2023 – 2027
11. 2023 Local Government Training (six sessions)
12. Comprehensive Plan Update (2023-2024 – following Miami County)
13. Sanitary Sewer Plant Repairs and Replacement - **Completed 2023**
14. Water Plant Replacement and Funding - **Ongoing**
15. Street Repair and Replacement - **Ongoing**
16. Final phase of sewer line rehabilitation (I&I problem) - **Ongoing**
17. Water Line Replacement and Funding - **Ongoing**
18. Street Repair and Replacement Funding - **Ongoing**
19. Sidewalk Repair and Replacement – Inventory - **Ongoing**
20. Vehicle Inventory and 10-Year Rep. Schedule – Finalize Leases - **Ongoing**
21. Osawatomie Downtown Community Development Corporation (ODCDC) - **Restart**
22. Osawatomie Land Bank (OLB)
23. Masonic Lodge Redo (Possibilities – Library/Visitor Center/Coffee Shop) - **Funding**
24. MARC PSP Implementation Grant-- HUB
25. Complete CDBG Process for 525 and 545 (multiple) Rehab projects -  
**Fund/Construct**
26. Downtown Vacant Property Investments (City-Owned – \$20,000)
27. Electric/Cable Utility Locations (Main Street Alleys – 3-year Plan) - **Ongoing**
28. Residential Development City-Owned Property RFPs
29. Install EV Charging Stations and complete Electric UTV purchase (F150 / 2024)
30. Downtown Mural Installations (two with Hawkins Grant) - **Completed in 2023**
31. Osawatomie Downtown Merchants Association (ODMA)
32. Memorial Hall Repairs Interior (Inventory and assess for 2024)
33. John Brown Cabin (Garage Conversion and Investments for Gift Shop)
34. State Law regaining control of the JB Cabin and Park site
35. Designation of the JB Cabin and Park as a National Historic Site (NHS) – Trip to Washington (Mike/Chad) – March NLC
36. Resolution supporting relocation of the Animal Shelter – USDA Grant Support
37. JBJ 2.0 Event (Carnival)
38. LOTL (Fireworks)
39. Freedom Festival (Reenactment)
40. Border War BBQ (Contest)

41. City Hall and facility clean out and archive –**2023 FINISH OUT**
42. Solar Array Development and Construction (Evergy)
43. Power Purchase Agreement – State of Kansas
44. Annexation and Deannexation of parcels – **2023 Complete**
45. Northland Project 1 Singularity
46. Northland Project 2 Great Dragon/Helianthus
47. Northland Project 3 Housing
48. Northland Project 3 (Doug P / Other Uses)
49. OSH MB Trail / Jefferson Highway Connection
50. Update Incentive Policy (Use Miami County Template)
51. Trails -- Levy Loop and John Brown Loop - **Design 2023 / Construction 2024)**
52. Conversion of Electric Grid to 12470/7200kW (3ph vs. 1ph)
53. Various Grants
  - a. BASE
  - b. GRIP
  - c. GRIP Concept
  - d. Department of Commerce – Housing / Business / Tourism
  - e. PSP Supplemental
54. 2023 – July Reorganization and Contracting Services Agreement
- 55. Sixth Street Construction – This will be BIG and an Annoyance**

**RESOLUTION NO. 1103**

**A RESOLUTION ADOPTING THE LIST OF 55 PROJECTS  
FOR 2023 AS PRESENTED BY CITY STAFF.**

**WHEREAS**, the City of Osawatomie, Kansas, has established five goals for the Community; and

**WHEREAS**, through various Resolutions and Ordinances the City Council has undertaken to direct staff on the particular projects and they would like the city to undertake; and

**WHEREAS**, we have begun to align our forecast, budgets and projects to meet the Five (5) Big Goals we have set as a community.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Osawatomie, Kansas, adopt the **List of 55 projects for 2023** and direct that on an annual basis we update and build off these lists.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 2nd day of February, 2023, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

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Nick Hampson, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk