

OSAWATOMIE CITY COUNCIL
AGENDA

October 14, 2021

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

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Invocation
5. Consent Agenda
 - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.*
 - A. October 14th Agenda
 - B. Meeting Minutes
 - September 23rd, 2021
 - C. Pay Application(s)
 - BG Consultants
 - o \$14,720.00 – Wastewater Treatment Plant
 - o \$874.00 – Wastewater Collection
 - o \$760.00 – Main Street Terrace Project
 - D. Special Event Permit
 - Spook Parade (Chamber of Commerce)
6. Comments from the Public
 - Citizen participation will be limited to 5 minutes. Stand & be recognized by the Mayor.*
7. Public Hearing
8. Presentations, Proclamations, and Appointments
 - A. Oz Commons Recommendations – OzCOMP, MARC, Architect One, Alta Planning, Shockey Consulting
9. Unfinished Business
 - A. Resolution 929 – Complete Purchase of Real Property
10. New Business
11. Council Report
12. Mayor’s Report
13. City Manager & Staff Report
14. Adjourn

NEXT REGULAR MEETING – October 28, 2021

Osawatomie, Kansas. **September 23, 2021.** The Council Meeting was held at Memorial Hall located at 411 11th Street. Mayor L. Mark Govea called the meeting to order at 6:31 p.m. Council members present were Walmann, Dickinson, LaDuex, Hampson, Wright, Diehm, Macek and Caldwell. City Staff present at the meeting were City Manager Mike Scanlon and City Clerk Tammy Seamands, Chief Building Official Ed Beaudry and Assistant to the City Manager Samantha Moon. Members of the public were: Doug Carder, Kari Bradley, Parker Chalupnik, Scott Chalupnik, Douglas Petroskey, Cofy Goff, Jordy Goff, Derek Henness, Jenny Weaver, Lauryn McReynolds, Kyle Spielbusc, Deana Brim, Jamie Homrighausen, Chase Homrighausen, Father Barry Clayton, Tammy Filipin, and Brad Weaver

INVOCATION. Father Barry Clayton, St. Philip Neri

CONSENT AGENDA. Approval of September 23rd Agenda, August 26th Council Minutes, September 16th Special Council Minutes, Pay Application – Bike Repair Stand – Eagle Scout Project - \$500.00, Pay Application- WWTP – BG Consultants - \$16,560.00. **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda as presented. Yeas: All.

COMMENTS FROM THE PUBLIC.

Father Barry Clayton – In the last few years we have had the opportunity to put large Christmas cards on display. This year we will try to do this again and to open it up to businesses. This has helped to bring our churches together and with the businesses taking part it will help to bring together the community. Thank you all for your service.

PUBLIC HEARINGS. – None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

PRESENTATION OF AUDIT – Kyle Spielbusch with Jarred, Gilmore & Phillips, P.A. presented the annual audit.

EAGLE SCOUT PROJECT UPDATE – Chase Homrighausen- The project consists of cataloging the names from a section of the cemetery and putting up a canopy. After realizing that a metal shelter at the cemetery was not being used Homrighausen expanded his project to include the entire cemetery. Homrighausen will mount the catalog of names and the map of the cemetery that is broke into zones in the metal building. Visitors will be able to use the catalog to look up the zone and row number of those that are buried in the Osawatomie Cemetery. This project should be completed by October 7, 2021.

EAGLE SCOUT PROJECT INTRODUCTION – Parker Chalupnik would like to install a bike repair stand at the Flint Hills Trail Mile Zero. Chalupnik showed a picture of a similar stand that is located in Ottawa. Concrete will be poured this week.

EVENT SPACE DEVELOPMENT UPDATE – Jordy and Cody Goff gave a presentation on the updates for their event space called Valley Heights, LLC. This update included pictures of what they anticipate the design to look like.

RESOLUTION 926 – DIRECTION TO CITY MANAGER TO BEGIN WORK ON A PREDEVELOPMENT AGREEMENT WITH SHOOT HOUSE PAINTBALL ON THE DEVELOPMENT OF NORTHLAND PAROPERTY (PHASE IB) – Douglas Petroskey owns Shoot House Paintball and leases the property from the City. Petroskey is asking the city to work with him to develop some of the other acres around his field and to purchase the land his field is on. Possibly installing a disk golf park. **Motion** made by LaDuex, seconded by Caldwell to approve Resolution 926 – Directing the City Manager to sign a predevelopment agreement with Doug Petroskey for the potential purchase and development of Northland Property Phase 1B as presented. Yeas: All.

UNFINISHED BUSINESS. – None.

NEW BUSINESS.

RESOLUTION 920 – SALE OF REAL PROPERTY – Chief Building Official Ed Beaudry presented Resolution 920. Devon and Melissa Minckley are seeking property in the City of Osawatomie to build a single-family residence. They are wanting to buy a lot that is located in Hickory Valley. They currently own the properties at 1709 and 1713 Brown. They are wishing to buy the property and combine all three lots into one and then build a single-family residence. The Minckleys have offered \$14,000 for the purchase of the city owned property. **Motion** made by Macek, seconded by Walmann to approve Resolution 920 – Authorizing the City to enter into a contract sale of a lot in Hickory Valley, west of 1713 Brown Avenue, subject to certain contingencies as presented. Yeas: All.

RESOLUTION 921 — INCREASE IN CHAMBER CONTRIBUTION TO ASSIST DOWNTOWN MERCHANTS – Scanlon requested that the council increase the 2021 allocation to the Osawatomie Chamber of Commerce by \$5,000. The Chamber of Commerce plays a critical role in the ongoing success of our community. Additionally, some work that needs to be undertaken by the city can be done by the Chamber and thus reduce the burden on the City’s Administrative staff and the need to hire additional personnel. As the City undertakes community-wide economic development and downtown redevelopment it is key that we find a way to leverage the human assets of the Chamber of Commerce to help us. This increase of \$5,000 will go directly to our efforts to revitalize and engage downtown businesses in the OZCOMMONS process. **Motion** made by Hampson, seconded by Diehm to approve Resolution 921 – Increasing the 2021 allocation to the Osawatomie Chamber of Commerce by \$5,000 to assist in the revitalization and engagement of downtown businesses as part of the OZCOMMONS process as presented. Wright abstained do to conflict of interest. Yeas; All.

RESOLUTION 922 – ALWAYS AND FUREVER FINAL AGREEMENT (ANIMAL SHELTER OPERATIONS) – Scanlon reminded council that On February 11, 2021 council approved Resolution 922 directing the City Manager to finalize an agreement with Always and Furever to operate as contractor for the City of Osawatomie Animal Shelter. Tonight’s resolution

is being brought for consideration because Always and Furever originally did not approve the agreement and has since brought back changes. **Motion** made by LaDuex, seconded by Caldwell to approve Resolution 922 – Directing the City Manager to sign a final agreement with Always and Furever Midwest Animal Sanctuary to operate as contractor of the Osawatomie Animal Shelter with the following stipulations Directing the City Manager to reopen negotiations on a final agreement with Always and Furever with City Council direction being that 1. The city will not bear any additional costs beyond what is already budgeted for Animal Shelter services. 2. That the City in participating in any Capital Improvement does so at a level that is appropriate and does not take any serves from our General Fund. 3. That the appropriate level of legal safeguards be reviewed and considered throughout the document. 4. That this all be accomplished within the next 30-days with final action to occur at the October 28, 2021 City Council meeting. Yeas: All.

RESOLUTION 923 –NOTIFICATION TO MIAMI COUNTY AND PAOLA AS TO CHANGES IN THE FEES CHARGED FOR ANIMAL BOARDING AT THE OSAWATOMIE ANIMAL SHELTER –This is an adjustment in the boarding fees charged at the Osawatomie Animal Shelter. These fees have not been significantly changed in over a decade. This resolution also directs the City Manager to annually adjust the fees based on the Consumer Price Index (CPI) of the Kansa City Region. **Motion** made by Macek, seconded by LaDuex to approve Resolution 923 – Directing the City Manager to adjust the boarding fees being charged at the Osawatomie Animal Shelter and to notify our governmental partners of these proposed changes as presented. Yeas: All.

RESOLUTION 924 – DIRECTION TO CITY MANAGER TO SEEK USDA (GRANT AND LOAN FINANCING) FOR IMPROVEMENTS TO THE OSAWATOMIE ANIMAL SHELTER IN AN AMOUNT NOT TO EXCEED \$200,000- This resolution begins the process of seeking grant dollars to pay for the renovations and repairs to the Osawatomie Animal Shelter. The goal of the grant is reduce/eliminate the need of the City to contribute General Fund dollars to this project. **Motion** made by LaDuex, seconded by Caldwell to approve Resolution 924 – Directing the City Manager to apply for a USDA grant to assist in the renovation and repair of the Osawatomie Animal Shelter as presented. Yeas: All.

RESOLUTION 925 –DIRECTION TO CITY MANAGER TO TAKE FINAL ACTION ON WATER LINE IMPROVEMENTS AROUND THE OSAWATOMIE MIDDLE SCHOOL On Wednesday, City Manager Scanlon, Mayor Govea and Justin Burchett appeared before the Miami County Commissioners and made a request for funding related to the costs of the water distribution system around the Osawatomie Middle School. There currently is not enough pressure to support their fire suppression system for part of the building. **Motion** made by Walmann, seconded by LaDuex to approve Resolution 925 – Directing the City Manager to continue to solicit assistance from Miami County for the use of American Rescue Plan Act Grant dollars to help fund the emergency repairs to the water distribution system that supports the Osawatomie Middle School as presented. Yes: All.

RESOLUTION 928 – DIRECTING THE CITY MANAGER TO SELECT PAYMENT OPTION 2 (52-MONTH REPAYMENT SCHEDULE WITH A 2.5% INTEREST RATE) FOR THE GRAND RIVER DAM AUTHORITY (GRDA) EXTRORDINARY POWER COST (EPC) ADJUSTMENT AND EXTEND THE REPAYMENT PERIOD FOR OSAWOTMIE ELECTRIC

CUSTOMERS FROM 36 MONTHS TO 56 MONTHS – Resolution 928 works in tandem with Resolution 864, Resolution 857, Resolution 852 and Ordinance 3794 to allow for the repayment of \$700,000 that the city borrowed under the State of Kansas’ City Utility Low-Interest Loan Program and the \$275,579 we now owe to GRDA. Resolution 928 extends the increase made in the City of Osawatomie’s Electric Base rate of .008 per KWH from 36 to 56 months. **Motion** made by LaDuex, seconded by Walmann to approve Resolution 928 – Directing the City Manager to select payment option 2 (52-month repayment schedule with a 2.5% interest rate) for the Grand River Dam Authority (GRDA) extraordinary power cost adjustment and extend the repayment period for Osawatomie Electric Customers from 36 months to 56 months as presented. Yeas: All.

COUNCIL REPORTS.

Karen LaDuex ~ John Brown Foundation is working on plans with the City on developing the Adair Property and the 8th Annual Border War Barbeque Competition is October 22 -23, 2021. LaDuex also has raffle tickets for the BBQ.

Lawrence Dickinson ~ Freedom Festival was last weekend. The mayor took some pictures. It was a nice day for it and everyone had a good time.

MAYOR’S REPORT – Thanks to staff for the preparation of the audit. Thanks to Scanlon, staff and the school board for the presentation to the County Commissioners. The presentation was well done.

CITY MANAGER & STAFF REPORTS. – There is an executive session for 10 minutes and then an additional item afterwards.

EXECUTIVE SESSION. - **Motion** made by LaDuex seconded by Dickinson to recess into executive session for 10 minutes for the discussion of the acquisition of real property. We will reconvene the open meeting at 8:47 p.m. The City Manager and City Attorney to join the Mayor and Council.

The council meeting resumed to open session at 8:47 p.m. with no action taken.

OTHER DISCUSSION/MOTIONS.

RESOLUTION 927 – PURCHASE OF REAL PROPERTY – **Motion** made by LaDuex, seconded by Walmann to approve Resolution 927 – Directing the City Manager to continue with the purchase of real property know as 10 acres and hereby identified by Miami county as parcel ID’s (171113023028000, 1711103023020000, 17111030236006000 for the price of \$90,000 as presented. Wright abstained due to possible interest in the property. Yeas: All

Motion made by LaDuex, seconded by Hampson to adjourn. Yeas: All. Mayor declared the meeting adjourned at 8:47 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk

October 4, 2021

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

Re: 20-1414L - Osawatomie WWTP Improvements

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

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

Engineering Services:

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

*Updated, refer to Contract Amendment 01

Subtotal Amount Due: \$14,720.00
 Total Completed to date: \$197,040.00
 Prior Billings to Date: \$182,320.00

Resident Project Observation

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

Additional Services

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

Total Amount Due: \$14,720.00

Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.
 Project Engineer

October 4, 2021

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

Re: 21-1233L - Wastewater Collection System PER

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

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

Engineering Services:

<u>Task</u>	<u>Lump Sum Amount</u>	<u>Completion Progress</u>	<u>Total</u>
1. GIS, CCTV Review, and PER	\$19,000.00	10.6%	\$2,014.00
		Subtotal Amount Due:	\$874.00
		Total Completed to date:	\$2,014.00
		Prior Billings to Date:	\$1,140.00

Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.
Project Engineer

October 4, 2021

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

Re: 21-1382L - Main Street Terrace Improvements from 16th to 18th Street
Preliminary Engineering Report (PER), Osawatomie, Kansas

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

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

Engineering Services:

<u>Task</u>	<u>Lump Sum Amount</u>	<u>Completion Progress</u>	<u>Total</u>
1. Preliminary Engineering Report	\$2,000.00	38.0%	\$760.00
		Subtotal Amount Due:	\$760.00
		Total Completed to date:	\$760.00
		Prior Billings to Date:	\$0.00

Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.
Project Engineer



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

SPECIAL EVENTS PERMIT APPLICATION

Department Use Only

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

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

3. TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
Spook Parade

4. MAILING ADDRESS OF APPLICANT/ORGANIZATION: <i>PO Box 63 Osawatomie, KS 66064</i>	5. ADDRESS/LOCATION OF SPECIAL EVENT: <i>4th + Main → 7th + Main</i>
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6. DATE(S) AND TIME(S) FOR PERMIT, INCLUDING SET UP AND TEAR DOWN:
3:00 pm - 6:00 pm

7. ENTRY TO EVENT: FEE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PUBLIC <input checked="" type="checkbox"/> OR PRIVATE <input type="checkbox"/>	8. STREET CLOSURE: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> IF YES, TIME OF CLOSURE REQUIRED: _____	9. # OF EXPECTED ATTENDINGS: <i>500</i>
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10. WILL ALCOHOL OR CMB FOR PERSONAL CONSUMPTION BE ALLOWED AT THE EVENT? YES NO
 WILL CMB BE SOLD AT THE EVENT? YES NO
 WILL THERE BE AN ENTRY FEE TO THE AREA WHERE CMB IS PROVIDED BY A THIRD PARTY? YES NO
 IF YES TO ANY OF THE ABOVE, APPLICANT DATE OF BIRTH IS REQUIRED _____

11. IS THERE LIABILITY INSURANCE COVERAGE FOR THE EVENT: YES NO
 IF YES, NAME OF INSURANCE COMPANY, AGENT AND AMOUNT OF COVERAGE:
Marsha Adams - State Farm

STATEMENT OF APPLICANT

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

SIGNATURE *Kari Bradley* _____ DATE *10/13/2021* _____

PERMIT APPLICATION: APPROVED _____ DENIED _____
 DECISION BY: _____ DATE OF DECISION: _____

COMMENTS: _____

RESOLUTION NO. 929

A RESOLUTION DIRECTING THE CITY MANAGER TO COMPLETE THE PURCHASE OF REAL PROPERTY KNOWN AS 10-ACRES AND HEREBY IDENTIFIED BY MIAMI COUNTY AS PARCEL ID'S (1711103023028000, 1711103023020000, 1711103023006000) FOR THE PRICE OF \$90,000.

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

WHEREAS, the City of Osawatomie has also identified a “Trail Loop” that would use a portion of this property; and

WHEREAS, the City views these parcels as key in promoting Economic Development both for potential housing and recreation amenities; and

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

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

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

SECTION ONE: That the City Manager continue with the purchase of the following parcels parcel ID'S (1711103023028000, 1711103023020000, 1711103023006000) for the purchase price of \$90,000. The monies which will come from the CIP General Fund which has a balance of \$147,648.19.

SECTION TWO: That the City Manger prepare a final purchase Resolution for consideration at the October 14, 2021 City Council meeting.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 14th day of October, 2021, a majority voting in favor of.

APPROVED and signed by the Mayor.

L. Mark Govea, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk