

Osawatomie, Kansas. **January 23, 2025.** The Council Meeting was held at Memorial Hall located at 411 11<sup>th</sup> Street. Mayor Nick Hampson called the meeting to order at 6:30 p.m. Council members present were: Schasteen, Diehm, Dickinson, Henness, Bratton, Caldwell and Filipin. Council member Macek was absent. City Staff present at the meeting were: City Manager Bret Glendening, City Attorney Jeff Deane, City Clerk Tammy Seamands and Director of Utilities Terry Upshaw. Members of the public were: Nicole Henness, Jacki Glendening, Brian McCauley, Father Barry Clayton and Bill Justesen.

INVOCATION. – Father Barry Clayton – St. Philip Neri Church

CONSENT AGENDA. Approval of January 23, 2025 Agenda, January 9, 2025 Council Minutes, Pay Application – BG Consultants – 6<sup>th</sup> Street Construction - \$2,358.00, Pay Application – BG Consultants – Water Distribution Improvements - \$17,392.00, Pay Application – BG Consultants – KDOT/TA Design - \$235.62, Pay Application – BG Consultants – Northland Interceptor Sewer - \$730.00 and Pay Application – Water Treatment Plant CMAR Contract Setup - \$13,446.00. **Motion** made by Dickinson, seconded by Schasteen to approve the consent agenda as presented. Yeas: All.

COMMENTS FROM THE PUBLIC.

Father Barry Clayton ~ The Ministerial Association Group met this week and we talked about some upcoming plans. The Good Friday celebration will be on April 18<sup>th</sup> at the Old Stone Church. Some of the churches are also getting together to have a sunrise service on Easter Sunday.

PUBLIC HEARINGS. -None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

PLANNING COMMISSION (3 YR TERM): T. WRIGHT, D. SAMUELS, M. PEACE – Mike Peace would be replacing John Wastlund on the planning commission and the other two would be just renewing their terms. **Motion** made by Schasteen, seconded by Filipin to approve Tyler Wright, Dale Samuels and Mike Peace to the planning commission for three-year terms. Yeas: All.

UNFINISHED BUSINESS. – None.

NEW BUSINESS.

RESOLUTION 1273 – The City staff has identified 6 properties (7 structures, of which 5 are vacant singlewide trailers and the other two are 2 traditional homes) for the City Council to consider for condemnation.

The report on each property is as follows: each structure is currently vacant. Utilities remain on in one of the structures at the request of the landlord. Each property (as evidenced by the pictures) is in a varying degree of disrepair and creating a blight on the neighborhood, has been vacant for at least one month, and/or is a nonconforming structure. It is the judgment of the code enforcement

officer, building codes officer and city manager that each of these structures can be classified as one or more of the following: unsafe, dangerous and/or abandoned.

The City Council must pass a resolution which will set the time and place for a hearing on the proposed condemnations. The earliest the hearing can be held is 30 days after the last publication. The last publication will be on February 5<sup>th</sup>, which puts the hearings on March 13, 2025.

In the resolution establishing the condemnation hearings, Staff has included the following proposed properties for consideration. 300 4<sup>th</sup> Street, 841 Chestnut, 1033 Walnut, 1041 Walnut, 223 E. Mill, 318 E. Pacific. **Motion** made by Bratton, seconded by Henness to approve Resolution 1273 – Fixing a time and place and providing for notice of a hearing before the governing body of the City of Osawatomie, Kansas, at which the owners, the owner's agent, any lienholders of record, and any occupant and other parties in interest of structures located within said city and described herein may appear and show cause why such structure should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures at 300 4<sup>th</sup> Street, 841 Chestnut, 1033 Walnut, 1041 Walnut, 223 E. Mill and 318 E. Pacific as presented. Yeas: All.

**RESOLUTION 1274 – AUTHORIZING PURCHASE OF USED BUCKET TRUCK –**  
The electric distribution currently has 2 bucket trucks, 2006 Altec on a Freightliner chassis, and 2014 Altec on an International chassis. Industry standard is to replace bucket trucks every 10-15 years. City staff intends to replace the 2006 International truck with a newer used truck. The City will keep the 2006 truck as a primary tree trimming truck and a spare in the event one of the other two are out of service. City staff budgeted \$200,000 for the purchase of a bucket truck for electric distribution. Staff has been informed that new trucks from Altec if ordered today would not be available until 2028 and the cost currently ranges from \$285,000 to \$325,000, depending on features. Staff has vendors looking for a used truck that meets our requirements. If a truck becomes available it typically is sold within 5-10 days. For this reason, staff is asking Council to approve the purchase of a truck not to exceed the amount of \$200,000. **Motion** made by Caldwell, seconded by Filipin to approve Resolution 1274 – Authorizing the purchase of a used bucket truck for the electric department not to exceed the amount of \$200,000 as presented. Yeas: All.

**ORDINANCE 3865 – ATTENDANCE REQUIREMENT FOR PLANNING COMMISSIONERS; MEETING TIMES -** City code currently provides for the city council to establish rules for removing planning commissioners. Attendance is an obvious, and easy requirement to put into place. Members of the planning commission are charged with overseeing the development and growth of the community, within the requirements adopted by the city council in the zoning regulations. Members of the planning commission also sit as the board of zoning appeals which is a quasi-judicial function of local government. Attendance is important, not only from ensuring that a quorum exists to conduct business, but also to ensure that members are staying abreast of the issues that come before the body.

We have proposed are some basic attendance requirements. 1.) Members who miss more than 6 regularly scheduled meetings of the planning commission MAY be replaced by the governing body. 2.) Members who have missed 12 meetings SHALL be replaced by the governing body. The

number of meetings a member can miss can be set wherever the council believes they should be set. I selected 6 and 12 because 6 is 25% of the meetings and 12 is 50%.

Additionally, the planning commission started meeting at 5 pm in June of last year as part of the comprehensive plan rewrite and it seems that time works pretty well. City code requires the planning commission to meet at 6:30, but the council can change that time periodically by resolution. I would request the council formally set the time at 5:00 pm on the second and fourth Tuesdays of each month. **Motion** made by Schasteen, seconded by Bratton to approve Ordinance 3865– Amending Chapter XVI. City Planning Commission/Board of Zoning Appeals, Article 1, Membership, Terms and Meetings as presented. Yeas: (6) Schasteen, Diehm, Henness, Bratton, Filipin and Caldwell. Nays (1) Dickinson.

**RESOLUTION 1275 – AUTHORIZING CITY MANGER TO EXECUTE AGREEMENT WITH OUR CITY PLANNING-:** On April 13, 2023 the city council adopted Resolution 1120 which established the plan to transition the Deputy City Manager into the City Manager role and the City Manager into the role of a contract employee who would be dedicated solely to planning, economic development, grant applications, and the continued pursuit of National Park Status for John Brown Park. In Resolution 1120, the council also authorized the Mayor to enter into an agreement to define these terms of the contractual relationship.

Later on, in 2024, we amended the initial agreement to establish a sunset date and amend the monthly fee downward. Now that the initial contract is completed, I would like to request that we enter into an agreement for an additional year. The primary purpose for this is to assist me in reinforcing the new habits we have started to form with regard to the planning commission. 2024 was the first year in many years that the planning commission met regularly and in accordance with city code (second and fourth Tuesdays of each month). For several years prior to 2024, they only met on an as needed basis.

Mr. Scanlon did the lion's share of the lifting on the comprehensive plan as well as the future land use map. We now need to spend the better part of 2025 overhauling our zoning regulations. During my first tenure here, the zoning regulations that were in place were developed simultaneously with the comprehensive plan. Both the 1998 comp plan and the zoning regulations were adopted in 1998. Those regulations served us fairly well, but admittedly, they had some shortcomings. In 2013, the city council at the time, with the assistance of the city manager at the time and a consultant, adopted completely new zoning regulations. I was not engaged at the time these were developed so I cannot speak to the rigor that was involved reviewing these regulations. As you know, we have spent time addressing some of these regulations' issues such as restoration of original plats, fences, setbacks, nonconformities, manufactured home regulations, etc.

The current regulations we are working under also leave much to be desired. From references to tables that simply do not exist, to a general lack of clarity, these regulations need to be overhauled. Mr. Scanlon's primary task will be to assist us in doing just that.

In addition to assisting with zoning regulations, you can see the other items that he will be tasked with in the simple, two-page agreement that is Attachment A to this resolution.

We also want to point out that Greater Osawatomie, Inc has also asked for, and received a draft agreement for Mr. Scanlon's services. GO, Inc. will have their own payment terms with Mr. Scanlon and that contract will be largely focused on downtown revitalization and assisting building owners with grant applications. **Motion** made by Dickinson, seconded by Caldwell to approve Resolution 1275 -Authorizing the city manager to enter into an agreement with Our City Planning, LLC for planning, zoning and economic development services as presented. Yeas: All.

ORDINANCE \_\_\_\_ - AMENDING COUNCIL MEETING SCHEDULE (NO ACTION)  
- The city code currently states that the city council shall meet on the second and fourth Thursdays of each month at 6:30 p.m.

Two things happen every year. The second meeting in November is either canceled or moved and the second meeting in December is either canceled, moved, or left alone, and in the event, it is not canceled or moved, it is typically an abbreviated meeting with limited action items on the agenda. If we have studied the calendar close enough, 3 out of every 6 years the second meeting in December will fall on either the day after Christmas, Christmas Day or Christmas Eve. We would propose that we amend the city code to eliminate the second meeting in November and December. The second item to consider is the time of the meetings. Would the council consider moving the time of the meetings to 5:00 or 5:30 pm? The Planning Commission has been meeting at 5:00 pm since June of 2024, with no issues. The benefit this provides is a more seamless transition from the traditional work day to an evening meeting without interruption.

RESOLUTION 1276 – MORATORIUM ON CONTAINER HOMES - The Miami County Republic featured an article on a container home that was built in Paola recently. Currently, our zoning regulations do not speak to acceptable construction materials for residential structures beyond the traditional modular homes, manufactured homes and site constructed homes.

The purpose of this resolution is twofold. First, we need to give staff the grounds to reject any building permit that proposes to utilize shipping containers or other non-traditional building materials or techniques. Secondly, the moratorium will allow the planning commission and staff to study the matter and report to the council, pros and cons of using containers as homes, make a recommendation free of any preconceived notions of this type of construction, and finally, craft regulations to allow for it, or craft regulations to prohibit it, as the case may be. **Motion** made by Schasteen, seconded by Bratton to approve Resolution 1276 – Establishing a temporary moratorium on applications, administrative processing, and approval of permits for structures that utilize shipping containers within the City of Osawatomie, Kansas as presented. Yeas: All.

**EXECUTIVE SESSION** – None.

**COUNCIL REPORTS** – None.

### **MAYOR'S REPORT**

Nick Hampson ~ The final cost of snow removal from our weather event topped \$57,000. It was a very large event when our average cost is \$4,000. It just shows what this storm was. The city workers put in the work to get it cleared and I appreciate that.

## **CITY MANAGER & STAFF REPORTS.**

Bret Glendening ~ The trash truck was able to get to all of the addresses of service today so all of the poly carts should be empty. From 12<sup>th</sup> to 7<sup>th</sup> and Main to South St the alleys were still fairly slick in a number of different spots so yesterday we sent our small dump truck down those alleys to spread salt and sand to help the trash trucks get through.

The State gave us the Northland Property in 2006 with a 20-year sunset and if it was not used for economic development purposes it would revert back to the state. We have used some of it but a lot of still has not been used for economic development purposes. I started talking to Senator Tyson last year about needing to renew this. I now have some draft legislature from her that extends the year from 2026 to 2046. I will be traveling next Thursday to Topeka. I will sit in on her committee meeting and then I will introduce that bill with her assistance.

Terry Upshaw ~ Starting tomorrow over the course of the next couple of weeks you will see crews back at 6<sup>th</sup> and Pacific. We need to cut out a section of concrete in the Northeast section because a water valve has been buried in the intersection that we need to find.

## **OTHER DISCUSSION/MOTIONS.**

**Motion** made by Bratton, seconded by Schasteen to adjourn. Yeas: All. The mayor declared the meeting adjourned at 07:28 p.m.

/s/ Tammy Seamands  
Tammy Seamands, City Clerk