

Osawatomie, Kansas. **March 9, 2023.** The Council Meeting was held at Memorial Hall located at 411 11 Street. Mayor Nick Hampson called the meeting to order at 6:30 p.m. Council members present were: Schasteen, Diehm, Dickinson, LaDuex, Bratton, Filipin and Caldwell. Council member Macek was absent. City Staff present at the meeting were City Manager Mike Scanlon, Deputy City Manager Bret Glendening, City Clerk Tammy Seamands City Attorney Jeff Deane, Utilities Director Terry Upshaw, Public Works Director Michele Silsbee, Assistant Police Chief William Bradshaw, Assistant City Manager Sam Moon and Business Liaison Kari Bradley. Members of the public were: Kirk Wright, Ryan Johnson, Charles Johnson, John Wastlund, Dustin Baker, Brian Beets and Derek Henness.

**INVOCATION.** – John Wastlund, The Well Wesleyan Church

**CONSENT AGENDA.** Approval of March 9<sup>th</sup> Agenda, February 23<sup>rd</sup> Council Meeting Minutes, Pay Application – Western Consultants- WWTP - \$3,765.00, Special Event Permit – John Brown Jamboree 2023, Special Event Permit – Border War BBQ 2023, Special Event Permit – OHS Prom Walk in Downtown. **Motion** made by Dickinson, seconded by Bratton to approve the consent agenda as presented. Yeas: All

**COMMENTS FROM THE PUBLIC.** – John Wastlund – Seeing the resolution on the agenda tonight to increase the pay for the Firefighters, I would encourage you to maybe make the increase larger. Thanked the council that came to the retirement party for Brian Mersman.

**PUBLIC HEARINGS.** – None.

**PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.**

**FOOD SAFETY AWARENESS WEEK PROCLAMATION** – Councilmember LaDuex, read the proclamation. **Motion** made by Dickinson, seconded by Filipin to accept the Food Safety Awareness Week Proclamation as presented. Yeas: All.

**UNFINISHED BUSINESS.**

**RESOLUTION 1116 – RELEASE OF PROPERTY AT 1103 CHESTNUT FROM RESOLUTION 1063.** The property located at 1103 Chestnut Avenue was identified as a candidate for condemnation and demolition in October 2022. A hearing date for the property was set for October 13, 2022. At the hearing the owner of record, Michael Olsen, presented his plan for the complete remodel of the structure and asked for the council to consider granting a delay in condemnation. Council approved this request with the following stipulations: Irrevocable letter of credit to be given to the city by November 10, 2022 in the amount of \$10,000, All Real Property taxes must be current by December 31, 2022 on the property located at 1103 Chestnut Avenue, and an occupancy permit to be issued no later than March 1, 2023. Mr. Olsen on February 23<sup>rd</sup> asked for a 15-day extension which city council approved in Resolution 1112. Mr. Olsen has completed the improvements required and his property tax received a Certificate of Occupancy. **Motion** made by LaDuex, seconded by Bratton to approve Resolution 1116 – Releasing the property located at 1103 Chestnut from further condemnation actions and returning the dedicated certificates of deposit as presented. Yeas: All.

RESOLUTION 1059 – CONDEMNATION OF 127 ROHRER HEIGHTS DRIVE – The property located at 127 Rohrer Heights was identified as a candidate for condemnation and demolition in October 2022. A hearing date for the property was set for October 13, 2022. At the hearing the Jennifer McMahon spoke on behalf of Charles Johnson and asked the council to consider granting a delay in condemnation. Council approved this request with the following stipulations: Irrevocable letter of credit to be given to the city by November 10, 2022 in the amount of \$15,000, All Real Property taxes must be current by December 31, 2022 on the property located at 1103 Chestnut Avenue, and an occupancy permit to be issued no later than March 1, 2023. Because the owners has failed to obtain an Occupancy Permit no later than March 1, 2023 he has failed to meet the requirements of the motion. The property owner was notified today and the structured “red tagged” placarded. Upon final action by the City Council, we will complete the demolition of the structure in the coming twenty-one days. **Motion** made by Bratton, seconded by Schasteen to approve Resolution 1059 – Finding that the structure located at Rohrer Heights BLK 1 Osawatomie, LTS 1-3 BLK 1 Rohrer Heights Section 10 Township 18 Range 22, in the City of Osawatomie, Miami County, Kansas; commonly known and referred to as 127 Rohrer Heights, Osawatomie, Kansas, is unsafe or dangerous and directing that the structure be removed and the premises made safe and secured as presented. Yeas: (6) Schasteen, Diehm, Dickinson, LaDuex, Bratton and Caldwell. Nays: (1) Filipin

#### **NEW BUSINESS.**

RESOLUTION 1121 –AUTHORIZING INCREASE IN PAY PER CALL FOR FIRE RESPONSE/TRAINING - On December 21, 2022, Miami County Board of County Commission approved an increase from \$30/emergency call to \$35 and an increase in pay from \$20/call to \$35/call for public relations activities and training for Miami County Rural Fire Department firefighters. During the City’s budget process for 2023, we budgeted to increase for in town calls as well in order to stay in line with what the county was paying. This resolution merely makes those changes official. Note: This will be retroactive to 1/1/2023. **Motion** made by Bratton, seconded by Schasteen to approve Resolution 1121– Approving an increase in pay per call for emergency purposes and an increase in pay per call for public relations/training activities for the Osawatomie Volunteer fire department as presented with a review in one year. Yeas: All

RESOLUTION 1113 – ADOPTION OF FISCAL SUSTAINABILITY PLAN FOR OSAWATOMIE’S SEWER UTILITY– As we move closer to completing our work at the wastewater treatment plant, we will have additional resolutions to accept the work, close out the revolving loan fund loan and in the instance of Resolution 1113, adopt a fiscal sustainability plan. In short, this plan identifies the capital investment needs of the utility, assigns a cost to those needs and sets forth a plan to effectively set monies aside for maintenance and investment into the utility. **Motion** made by LaDuex, seconded by Dickinson to approve Resolution 1113- Establishing a fiscal sustainability plan, final plan of operations and an emergency wastewater operations plan for the wastewater treatment facility as presented. Yeas: All.

RESOLUTION 1114 – MODIFYING THE CITY’S PERSONNEL POLICIES TO DEFINE WORK WEEKS FOR LAW ENFORCEMENT OFFICERS – As discussed in previous city council meetings, the Osawatomie Police Department implemented the use of 12 hour shifts

as a tool to improve recruitment and retention. Officers prefer the 12 hour shifts due to it allowing them to have every other weekend off, which in turn, allows them to spend more time at home with their families. The Osawatomie Police Department is one of the few police departments that offer the 12 hour shifts, which has been a contributing factor our staffing rates being better than surrounding agencies.

A down side to the 12 hour shifts and how the schedule is set up is that one week is a long week (4 days long) and the following week is a short week (3 days long). Due to the first week being 4 days, it creates an automatic 8 hours of scheduled overtime every pay period.

In an attempt to reduce overtime for the police department, I, Chief David Stuteville propose the City of Osawatomie approve Resolution 1114, which allows the use of the Fair Labor Standards Act 207(k). The Fair Labor Act 207(k) allows employers to compute overtime for law enforcement on the basis of extended work schedule. This particular exemption states that police officers will earn overtime once they have exceeded 86 actual hours of worked time during a two-week work period.

The implementation of this resolution would assist in lowering the paid overtime within the police department.

**Motion** made by Caldwell, seconded by Filipin to approve Resolution 1114 –Amending the personnel policies for the City of Osawatomie, Kansas to modify the definition of work week for non-exempt law enforcement personnel as presented. Yeas: All.

RESOLUTION 1117 – GRANTING EXTENSION OF PRE-DEVELOPMENT AGREEMENT WITH DOUG PETROSKEY – Resolution 1117 builds off Resolution 1005 which also extended the predevelopment period given to Mr. Petroskey in the original resolution, Resolution 926 dated September 23, 2021. Mr. Petroskey has expended 532 days between Resolution 926 and March 9, 2023. I am recommending that we give him until the end of the year (an additional 297 days) to come up with a plan. If by the end of the year that’s not possible then I’m asking the City Council to give City staff the authority to market the property to other potential users. By the end of the year, we will have tied up the property for 829 days with Mr. Petroskey – at that point I think the City must be ready to move on. **Motion** made by Caldwell, seconded by Filipin to approve Resolution 1117 – Extending the period of the predevelopment agreement with Doug Petroskey for the potential purchase and development of northland property phase 1B to December 31, 2023 at which point the city can begin the marketing of the site to other potential developers as presented. Yeas: All.

RESOLUTION 1118 – GRANTING EXTENSION OF PRE-DEVELOPMENT AGREEMENT WITH WRIGHTWAY HOME LLC– Resolution 1118 permits Wrightway Homes LLC another 180 days to look at the purchase of property from the City and development of the 5th Street Terrace Addition. The Resolution outlines all of the work that has been completed to date to bring this project to fruition. **Motion** made by Bratton, seconded by LaDuex to approve Resolution 1118 – Directing the City Manager to sign a 180-day extension to the predevelopment agreement with Wrightway Homes for the potential purchase and development of 5<sup>th</sup> street terrace addition (formerly known as 10 acres) as presented. Yeas: All.

RESOLUTION 1119 – PREDEVELOPMENT AGREEMENT WITH CAMP MOPAC LLC IN REGARDS TO CONSTRUCTION OF CAMP MOPAC – The City has been looking at the potential development of camping or an event space at Mile 0. Scanlon was contacted by a developer who was identified by Halls Trucking as a potential company (Alcove Development) interested in developing a camp ground in our community. At the time Scanlon was notified he was finishing a State Park Revitalization and Investment in Notable Tourism (SPRINT) Grant that was building off the Camp MoPac idea that we submitted for an Attraction Development Grant (ADG) in 2022. Scanlon met with Alcove Development and they were already building off our original ideas for a camp ground and going well beyond our original concepts (it was better). Scanlon asked them if they would consider a 180-day Predevelopment Agreement which could be bundled with our application. They were able to meet our conditions and the Predevelopment Agreement in this packet has been approved by them. Scanlon will be providing handouts and a final Predevelopment Agreement prior to the meeting and will provide site and potential cabins for your review that meeting. Understand we are at the preliminary level of engineering and much more work will need to be done before this project officially begins. **Motion** made by Caldwell, seconded by Filipin to approve Resolution 1119 – Directing the city manager to sign a predevelopment agreement with Camp MoPac LLC for the development of Camp MoPac at the Flint Hills State Park trail head A—Mile 0 as presented. Yeas: All.

**EXECUTIVE SESSION – Motion** made by Dickinson, seconded by Schasteen that the City Council recess into closed, executive session for the purpose of discussing personnel matters of nonelected personnel pursuant to the exception K.S.A. 75-4319 (b)(1). The closed meeting will last 10 minutes and will resume here in Memorial Hall at 7:58 p.m. Also attending will be City Manager Mike Scanlon, Deputy City Manager Bret Glendening, City Attorney Jeff Deane and City Clerk Tammy Seamands. Yeas: All.

The council meeting resumed to open session at 7:58 p.m. with no action taken.

**Motion** made by Dickinson, seconded by LaDuex that the City Council recess into closed, executive session for the purpose of discussing acquisition of real property pursuant to the exception in K.S.A. 75-4319 (b)(6). The closed meeting will last 10 minutes and will resume here in Memorial Hall at 8:10 p.m. Also attending will be City Manager Mike Scanlon, Deputy City Manager Bret Glendening, City Attorney Jeff Deane and City Clerk Tammy Seamands. Yeas: All.

The council meeting resumed to open session at 8:10 p.m. with no action taken.

## COUNCIL REPORTS

Karen LaDuex ~ last Friday we went to 545 Main and listened to presentations for people that we were interviewing to continue the planning process for the Planning Sustainable Places “The Hub”. MARC was very organized and had a system to rate people. We were very pleased how it came out. It was an enjoyable afternoon.

Dale Bratton ~ some of the citizens are saying that the new strip on Brown is becoming a raceway. They would like a stop sign at 16<sup>th</sup> & 17<sup>th</sup> to slow down the speeds.7

**MAYOR'S REPORT** – We had a public forum for 5<sup>th</sup> Street Terrace (10 acres) before this meeting. There is a QR code if anyone wants additional information.

We had a City County Summit on Tuesday at 545 Main. Everyone but Spring Hill was represented there. The county brought the county appraiser over to talk about how the appraisal process works. Mike has invited him to our next council meeting.

The Auditors came in this week. Thank you to Tammy and her staff for being efficient and getting them the information that they needed.

Thank you to all of the volunteers that serve on our committees and boards. It takes a lot of time out of their schedules but it is very important that we have good people doing it.

**CITY MANAGER & STAFF REPORTS.** – None.

**OTHER DISCUSSION/MOTIONS.**

**Motion** made by Schasteen seconded by LaDuex to adjourn. Yeas: All. The mayor declared the meeting adjourned at 08:16 p.m.

/s/ Tammy Seamands  
Tammy Seamands, City Clerk