

Osawatomie, Kansas. **July 28, 2022.** The Council Meeting was held at Memorial Hall located at 411 11th Street. Mayor Nick Hampson called the meeting to order at 6:30 p.m. Council members present were Macek, Diehm, Dickinson, LaDuex, Bratton, Filipin and Caldwell. Council member Wright 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, Building Official Ed Beaudry, Public Works Director Michele Silsbee, Nuisance Officer David Ellis, Public Safety Officer Grant Sparks and Business Liaison Kari Bradley. Members of the public were: Virginia Adams, Carolyn Cole, Derek Henness, David Ellis, Kyle Spielbusch and Father Barry Clayton.

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

CONSENT AGENDA. Approval of July 28th Agenda, July 14th Council Workshop Minutes, July 14th Council Meeting Minutes, July 21st Special Council Meeting Minutes, Special Event Permit – Elks Riders #921 – Carwash and Slip-n-Slide, Special Event Permit – Elks Riders #921 – Scary Trail/Trick-or-Treat **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda minus the two Elks Riders Special Event Permits, minus the Gaikowski and Hurlbut Hearing of Appeals, an addition of Resolution 1026A under new business and add an executive session. Yeas: All. The two special event permits need to be brought back with additional information. Gaikowski requested his hearing appeal be postponed and Hurlbut was not at the meeting. Both hearings have been rescheduled to August 11th.

COMMENTS FROM THE PUBLIC.

Father Barry Clayton – Thank you for your service that you provide to the community. Pastor John Wastlund and his wife was in a car accident. Although it was a fairly serious accident, they are both alright just a little sore. Any prayers would be appreciated. Also, the Ministerial Association plan to meet next month. The intent is to further formalize the association.

PUBLIC HEARINGS. -None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

Presentation of the 2021 Financial Audit – Kyle Spielbusch with Jarred, Gilmore & Phillips, P.A. presented the 2021 Audit. The employee benefits fund was overbudget. During the audit, it was discovered that the Fire department operated a bank account that was not recorded on the City’s financial statement. This account contained the collection of fire report fees that should be recorded in the general fund. It was also noted that each check contained only one signature. It is best practice that all checking accounts held by the City and its departments to require at least two signers for all checks.

UNFINISHED BUSINESS.

RESOLUTION 979 – POWER PURCHASE AGREEMENT WITH EVERGY FOR SOLAR ARRAY – City staff has been operating under the MOU approved by the City Council back in October 2021 (Resolution 934) and the Solar Development Agreement approved in

January 2022 (Resolution 952). The time has come to move on to the next phase of the development of this project. We (city staff with the assistance of KMEA) have finished negotiations of the power purchase agreement with Evergy. KMEA has since hired an attorney to serve as in house counsel and she had a couple of minor suggestions on how to modify the buyer curtailment section of the PPA. That has since been completed and everyone is in agreement with the language of the final PPA. Once this agreement is executed, Evergy will be released to begin engineering and procurement of the facility. The final PPA price will be known prior to executing this PPA on September 8, 2022 and once we have that price, I will pass that information along.

NEW BUSINESS.

RESOLUTION 1022 – AUTHORIZING SALE AND DELVIERY OF TRANSFORMER TO CITY OF HORTON – The City of Horton is undergoing an expansion/remodel of their high school. Due to transformer lead times, they will not have the transformer that they have purchased prior to the start of school. We have a spare (stock) transformer that we would like to sell them. This transformer was purchased last year for \$15,800. They will pay \$16,000 for it, as well as labor and equipment for two city employees to deliver it to them and offload the transformer to the concrete pad it will sit on. The lead time for us to replace this transformer is 30 weeks and the cost to replace this transformer is \$14,575. We do not anticipate any adverse impacts to service delivery as this is not the only 500 KVA transformer in stock. **Motion** made by LaDuex, seconded by Filipin to approve Resolution 1022 – Authorizing the sale and delivery of stock transformer to the City of Horton as presented. Yeas: All.

RESOLUTION 1023 – ANIMAL SHELTER IMPROVEMENT COST ALLOCATION – Resolution 1023 begins the process of funding and making improvements to the Osawatomie Animal Shelter. The resolution as presented limits the cost of the city to 20 % (up to \$100,000) of the estimated construction costs. Further it also includes an assurance that 75% of this cost will be covered by additional fees charged to participating partners in the project and can be structured into a loan. **Motion** made by LaDuex, seconded by Bratton to approve Resolution 1023 – Directing the city manager to take certain actions in renovating and improving the Osawatomie Animal Shelter as presented. Yeas: All.

RESOLUTION 1024 – AUTHORIZING TEMPORARY NOTE RENEWAL – A couple of years ago we issued temporary notes for the replacement of failed/broken sewer lines across the Marais Des Cygnes. As we approach the maturity date of the note, we have determined that we would be best served to roll them temp notes into a new note. The expiring note value is \$421,000. The sewer utility currently has a cash balance of approximately \$200,000 but a little over half of this amount will be transferred to the bond and interest fund to make payments on existing bonds for our sewer utility. We have determined that it can support paying \$75,000 towards the original \$421,000 amount. This will result in a new temp note that will mature on 09/01/24 that has a principal balance of \$346,000. **Motion** made by Dickinson, seconded by Macek to approve Resolution 1024 – Directing the issuance, sale and delivery of general obligation temporary notes, series 2022-1, of the City of Osawatomie, Kansas, providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said note as they become due; making certain covenants and agreements to provide for the payment and security

thereof; and authorizing certain other documents and actions connected therewith as presented. Yeas: All.

RESOLUTION 1025 – AUTHORIZING REPAIR AND REPLACEMENT OF MEMORIAL HALL ROOF – Council approved resolution 812 establishing a plan for the repair and renovation of Memorial Hall. Staff received two bids on the RFP for the removal and repair of the roof. **Motion** made by Bratton, seconded by Macek to approve Resolution 1025 – Accepting the bid from Wright Construction (Wright Investment Properties, LLC) for the removal and repair of the roof at Memorial Hall in the amount of \$118,400.00 as presented. Yeas: (5) Macek, Diehm, Dickinson, Bratton, and Filipin. Nays: (2) LaDuex and Caldwell.

RESOLUTION 1026 – BID/SELL AGREEMENT WITH THIRD PARTY – This resolution relates to an agreement between the City of Osawatome and Premier Real Estate of Paola, LLC related to the purchase of property from Miami County located on the south side of 327th Street west of 169 Highway and across from Victory Chevrolet. **Motion** made by Macek, seconded by Bratton to approve Resolution 1026 – Directing the Mayor to sign the Bid/Buy-Sell Agreement with Premier Real Estate of Paola, LLC related to the purchase of property from Miami County Located on the south side of 327th Street West of US Highway 169 and across from Victory Chevrolet as presented. Yeas: All.

RESOLUTION 1026A – PURCHASE OF REAL PROPERTY 327TH STREET PARCEL – Resolution 1026 and 1026A are companion resolutions. Resolution 1026A relates to directing the City Manager to complete and record the sale of the property that the City was the winning bidder on at 9:00 a.m. on July 28, 2022. **Motion** made by Macek, seconded by Bratton to approve Resolution 1026A – Directing the city manager to continue with the purchase of real property south of 327th street west of US Highway 169 hereby identified by Miami County as parcel id's (061-139-29-0-00-04-001.00-0) for the bid price of \$256,000.00 as presented. Yeas: All.

RESOLUTION 1027 – SETTING AN ANNEXATION POLICY FOR THE CITY OF OSAWATOMIE – This resolution details in Section 1, the requirements city staff must provide to the council when bringing annexations to the fore. Section 2 directs city staff to perform a review of all city owned property and confirm that all city owned property is currently within city limits, and if it is not, bring it before the council for annexation, following the procedures detailed in Section 1. Section 3 discusses current parcel(s) for annexation as shown in Exhibit A. **Motion** Made by Macek, seconded by Bratton to approve Resolution 1027 – Setting forth the policies and procedures for future annexations into the City of Osawatome and directing the initiation of annexation proceedings for existing city owned parcels of land as presented. Yeas: All.

RESOLUTION 1028 – RURAL HOUSING INCENTIVE DISTRICT AND HOUSING NEEDS ANALYSIS – Resolution 1028 and the housing needs analysis that is included in the resolution make up the first steps in the formation of an RHID in the City of Osawatome. RHID's have become a very common tool in the development of residential housing in rural Kansas. This tool was recently expanded to allow up to a 25-year reimbursement and now can be used in reinvesting in second story downtown buildings for residential uses. **Motion** made by LaDuex, seconded by Dickinson to approve Resolution 1028 – Making certain findings and determinations as to the need for the housing within the City of Osawatome, Kansas and setting forth the legal

description of real property proposed to be designated as a rural housing incentive district within the city as presented. Yeas: All.

EXECUTIVE SESSION – Motion made by Lawrence, seconded by Filipin that the City Council recess into closed, executive session for the purpose of discussing personnel matters of nonelected personnel pursuant to the exception in K.S.A. 75-4319(b)(1). The closed meeting will last 15 minutes and will resume in Memorial Hall at 8:25 p.m. Also attending will be City Manager Mike Scanlon and City Attorney Jeff Deane.

The council meeting resumed to open session at 8:25 p.m. with no action taken.

COUNCIL REPORTS

Cathy Caldwell ~ 10 Acres was mowed and it looks nice. It was great that Kari shared some of the things from the Chamber's strategic planning meeting. It is great that some of the roads are getting repaired and it is really nice on how they are proceeding with that.

Dale Bratton ~ asked how is the project going on the downtown building remodel that received the grant money.

Karen LaDuex ~ heard the President's infrastructure policy advisor to the cabinet talking about infrastructure. The main thing that he talked about was childcare. You will not be able to entice anyone to take a job or live in their town if they cannot find childcare.

Dan Macek ~ Very excited about the things that we are doing like buying land and creating the RHID for 10 acres. It is very easy to get bogged down in the negative things in the community. Thank you, Mike, Bret and Tammy, for all your work on these projects.

MAYOR'S REPORT -I want to thank Brett on his Operations Report – if you haven't seen them in the packet pay attention for them, they give you a good overview on some of our most complex projects.

Another big congrats to Bret on getting the FEMA Levee Certification to the end. I think Mike told me this was a 14-year journey. With that levee certification we begin the process of updating our floodplain maps which I believe we will start working on in the next couple of weeks with the county.

I want to thank Jeff, Bret and Mike related to their work with Victory and the land purchase and putting a really complex deal together in a short amount of time. God job guys – that's going to make a difference in our community.

I know it's a thankless job, but David Ellis has done a fabulous job for us in Codes Enforcement. We are lucky to have him and I want to publicly thank him for all his efforts on our behalf.

The RHID we passed tonight is going to get housing built in our community – and I want to encourage all of the City Council to take time to call our Miami County Commissioners and urge

