

Osawatomie, Kansas. **August 11, 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 Wright, Macek, Diehm, Dickinson, LaDuex, Bratton, Filipin and Caldwell. City Staff present at the meeting were City Manager, Mike Scanlon, Deputy City Manager Bret Glendening, City Clerk Tammy Seamands, City Attorney Jeff Deane, Director of Utilities Terry Upshaw, Building Official Ed Beaudry, Public Works Director Michele Silsbee, Nuisance Officer David Ellis, Assistant to the City Manager Sam Moon and Business Liaison Kari Bradley. Members of the public were: Derek Henness, David Ellis, Elizabeth Holmes, Michelle Herman, Reverend Wayne Ova, Shay Hanysak, Dan Gaikowski, Curt Skoog, Kevin Schasteen, Travis Hummel and Jeff Morland.

INVOCATION. – Reverend Wayne Ova, Faith Baptist Church

CONSENT AGENDA. Approval of August 11th Agenda, July 28th Council Workshop Minutes, July 28th Council Meeting Minutes, Pay Application – Water Treatment Plant - \$30,459.00. Pay Application – Wastewater Treatment Plant - \$4,310.00, Pay Application – Street Improvement Design - \$45,630.00. **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda with the change of moving Resolution 1032 under New Business up to be considered under Presentations, Proclamations and Appointments before the Appointments to the Art Commission. Yeas: All.

COMMENTS FROM THE PUBLIC.

Reverend Wayne Ova - I have had a ministry at the City Union Mission in Kansas City for quite a few years. During Covid it was closed. This past Wednesday I was able to start the ministry again and it is a blessing.

PUBLIC HEARINGS. -None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

RESOLUTION 1032 – ACCEPTING THE CITY OF OSAWATOMIE ARTS COMMISSION PROCEDURE AND POLICY BOOKLET AND APPOINTING THE PRESENTED SLATE OF APPLICANTS FOR VOTING MEMBERSHIP – Arts commission’s function in much the same way as a Tourism Committee or a Trails Commission – a body of appointed residents with a vested interest in the subject matter working with staff and Council liaisons to initiate projects, developments, or events that benefit the community and its culture. **Motion** made by Caldwell, seconded by Dickinson to approve Resolution 1032 – Establishing the City of Osawatomie Arts Commission and accepting its formational documents as presented. Yeas: All.

ART COMMISSION APPOINTMENTS – **Motion** made by LaDuex, seconded by Caldwell to appoint Shay Hanysak, Heather Burke, Nicole Henness, Jordy Goff, Sarah Dorsett, Elizabeth Holmes and Emily Duncan to serve on the City of Osawatomie Arts Commission. Yeas: All.

UNFINISHED BUSINESS. -None

NEW BUSINESS.

RESOLUTION 1029 – AUTHORIZING THE PURCHASE OF TRANSFORMERS FOR 2023 GRID CONVERSION WORK – In 2018, the council authorized an upgrade of the city’s electric system from 4160/2400KV to 12470/7200KV. City staff solicited proposals from the major suppliers. We received bids from Jerry’s Electric, Midwest Electric Transformers, T&R Electric, and Emerald Transformer. We requested pricing for each transformer from all suppliers. We continue to struggle with supply chain issues. **Motion** made by Dickinson, seconded by Bratton to approve Resolution 1029 – Authorizing the purchase of transformers for the Osawatomie Electric Utility from Jerry’s Electric, Inc. in the amount of \$14,975.00, Emerald Transformer in the amount of \$17,210.00, and T&R Electric in the amount of \$156,714.00 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 1030 – UPDATING THE CITY COUNCIL ON THE CITY OF OSAWATOMIE – LIST OF 55 UPDATE – Resolution 1030 provides an update to the list of 55 projects for 2022 to be used in assisting the City Council in gauging the performance of the City Manager. **Motion** made by Dickinson, seconded by Macek to approve Resolution 1030 –updating the list of 55 projects for 2022 as presented by City Staff as presented. Yeas: All.

RESOLUTION 1031 – ACCEPTING THE KMEA ELECTRIC RATE STUDY– The last time the city conducted a full rate study of each of its utilities was in 2008. This needs to be performed every 4-5 year to ensure that the rates being charged cover operating expenses, debt service, as well as put a reasonable amount of funds in reserve for capital improvements. It is also advisable that each utility have sufficient funds on hand to cover six months of operating expenses in the event of an emergency. **Motion** made by Dickinson, seconded by Bratton to approve Resolution 1031 – Accepting the electric rate study provided by the Kansas Municipal Energy Agency (KMEA) as presented. Yeas: All.

ORDINANCE 3813 – AMENDING CHAPTER 14 OF THE CITY CODE RELATED TO PROHIBITED PARKING – Early in June, we started receiving concerns about accessibility on narrow streets and the lack thereof when people would park on those streets. Primarily these would be chip and sealed streets with ditches to carry stormwater away. Many of the city’s streets that are east of 1st street are like this. In working with the Chief of Police, it is recommended that we modify our prohibited parking language (that currently only explicitly lists seventh street from Parker to Main) to generally classify streets based on their widths and whether parking should be

prohibited on one or both sides of the street, or not restricted in any way. **Motion** made by LaDuex, seconded by Filipin to approve Ordinance 3813 – Amending Chapter 14 of the City of Osawatomie Municipal code for the purpose of further defining areas within the City of Osawatomie where parking is prohibited and conditions where parking is restricted as presented. Yeas: All.

RESOLUTION 1033 – AUTHORIZING CITY STAFF TO ENTER INTO AN AGREEMENT WITH INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY (IBTS) – It's important for the city to enforce building codes, and city codes. Currently city staff are working to accommodate all building permit inspections, nuisance violations, health homes inspection and administrative work. Most jurisdictions in Miami County use or have used IBTS to assist staff with inspections. IBTS offers many services, however the building codes is the primary service city staff will be utilizing. IBTS will be working with city staff in a supporting role, this will not be a replacement for city staff. IBTS will assist when staff are on vacation, sick or in training or otherwise unavailable. **Motion** made by LaDuex seconded by Caldwell to approve Resolution 1033 – Authorizing city staff to enter into an agreement with IBTS (Institute for Building Technology and Safety) as presented. Yeas: All.

RESOLUTION 1034 – DIRECTING SALE OF CITY OWNED PROPERTY TO MARSHA ADAMS– It's important for the City to eliminate any potential boundary line disputes on the property. This resolution authorizes city staff to enter into an agreement for the sale of Parcel ID 1761402002005000. All easements shall remain in place. **Motion** made by Wright seconded by Macek to approve Resolution 1034 – Accepting the offer for city owned real property and authorizing staff to enter into a sale for parcel ID 1761402002005000 as presented. Yeas: All.

RESOLUTION 1035 – ESTABLISHING THE 2022 ANIMAL SHELTER RATES– This resolution would increase the fees for the animal shelter to admission fee from \$12.00 to \$25.00, daily boarding fee is increased from \$8.00 to \$25.00 and a monthly capital replacement and equipment fee is established at \$250.00. **Motion** made by LaDuex, seconded by Filipin to approve Resolution 1035 –Adjusting the fees for the Animal Shelter as presented. Yeas: All.

RESOLUTION 1036 – SETTING A PUBLIC MEETING AND SURVEY FOR RESIDENTS OF THE NORTHLAND REQUESTING DE-ANNEXATION – For a number of years residents of the Northland Neighborhood area (north of the Marais des Cygnes and east of Osawatomie Road) have asked to be de-annexed. As the council heard in both June and July the residents feel like they were made promises 15 years ago that the city never followed through on. They felt the services they have received have been inadequate and less than those received in the heart of the city. As this discussion started and still continues, we offered that we should have a special meeting (coupled with surveys) of the residents and go through the following 1) We will become the Electric service provider for those properties and our policy states that we have a 150% surcharge when we sell utilities to unincorporated areas. 2) When we remove the area from WM contract – their costs will likely go up and services available will go down. 3) We would like the neighborhood or area to give us a shot at getting sanitary sewer into the area. We are asking for 180 days from August 11, 2022. The meeting is scheduled for September 1, 2022 at 6:00 p.m. at Memorial Hall. **Motion** made by Macek, seconded by Bratton to approve Resolution 1036 –

establishing a date, notification process and survey for residents of the Northland Neighborhood that wish to be considered for de-annexation as presented. Yeas: All.

RESOLUTION 1037 – ESTABLISHING SALARY STRUCTURE –Will be brought back at the next meeting.

HEARING OF APPEAL

HEARING FOR DAN GAIKOWSKI - The subject of this hearing is for a violation of the Code of the City of Osawatomie, Kansas by Mr. Dan Gaikowski on the property located at 305 Pacific Ave., Osawatomie, Kansas. This hearing is being held at the written request of Mr. Gaikowski. This hearing was held in accordance with Chapter 8, Section 208, Subsections c-2. At the conclusion of this hearing the findings will be prepared in Resolution Form and adopted by the Governing Body, and the resolution shall be served upon the person by the City in the manner proved in Section 8-208, The Resolution will be back before the Governing Body on August 25, 2022.

Nuisance Officer David Ellis presented the courtesy letter that was sent to Mr. Gaikowski on January 6, 2022, the 45-day notice of investigation and violation letter that was sent to Mr. Gaikowski on July 1, 2022 along with the photos that were included with the letters.

Mr. Gaikowski said that everything takes time. He has been trying to get a painter there for quite a while. He stated that he had applied for a permit to repair the porch boards a month ago but has not received it. He is confused about a lot of it because the complaints are so generalized. You would think that the city would take care of all of its buildings before coming after residents. There is grass growing up in the streets. If he could get a permit, he can work on the house but they will not get back to me. Without a building permit how am I supposed to fix things?

Ellis said that he issued the first notification in January 2022 that notified Mr. Gaikowski that something was wrong, permits were going to be required and that a notice was coming. Between January and July, I would have thought there was plenty of time to obtain a permit. Ellis was unaware of a permit application. Mr. Scanlon will look into the issue with obtaining a building permit.

Gaikowski said that in the ordinance it says that this only applies to conditions that are interest of health, safety and welfare. I don't see how chipping paint is a safety issue.

Council was given the opportunity to ask questions.

LaDuex asked Mr. Gaikowski what did you state on the building permit application that you were intending to do. Mr. Gaikowski replied that it was to fix a few boards on the porch. One thing at a time that is how you get started.

Hampson said this is concern is that Gaikowski received a letting in January and now it is August. We have had this in the past where things get prolonged out and we do not see improvement.

Gaikowski replied that January we were still in a pandemic. He offered to put up a privacy fence if that would help. He needs one permit at a time.

Scanlon will draft a resolution based on the testimony that was provided tonight. He will look into the building permit issue that was raised. He will put this in the form of a resolution and will deliver it to Mr. Gaikowski on August 23rd so that he has time to review it and to ask any questions.

HEARING FOR LINDSEY HURLBUT - The subject of this hearing is for a violation of the Code of the City of Osawatomie, Kansas by MS. Lindsey Hurlbut on the property located at 608 Retan., Osawatomie, Kansas. This hearing is being held at the written request of Ms. Hurlbut. This hearing was held in accordance with Chapter 8, Section 208, Subsections c-2.

Ms. Hurlbut was not present so the hearing was concluded.

EXECUTIVE SESSION – Motion made by Lawrence, 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 in Memorial Hall at 8:21 p.m. Also attending will be City Manager Mike Scanlon, Deputy City Manager Bret Glendening, City Attorney Jeff Deane and City Clerk Tammy Seamands.

The council meeting resumed to open session at 8:21 p.m. with no action taken.

COUNCIL REPORTS

Karen LaDuex ~ Kari Bradley, Sam Moon and myself attended the citizens advisory meeting at the state hospital and the two women gave excellent reports. Kari, Sam, Mike and I went to Topeka yesterday for the Kansas Association of Trail Towns meeting. I feel that we accomplished a lot. We are on our way to having bi-laws.

Dale Bratton ~ You can see a lot of progress going on in town and it is exciting. We had a welcome for the new teachers of the school district. On events like that is ok to have the Mayor or a council member in attendance?

Cathy Caldwell ~ the tourism committee met last Thursday. They approved the line item amount that was stated in the 2023 budget in the amount of \$164,800.

MAYOR'S REPORT – I want to thank Sam, Kari, Bret, Michele and Mike for putting together the ground breaking and ribbon cuttings tonight. If there was ever a night you could feel the momentum of our work it was tonight.

I want to thank Terry and Andrew for getting on top of the leak last night. It could have been a whole lot worse had we not jumped on that quick – we could have lost the water in the tower and all of us under a boil order right now. Thank you, Terry and Andrew.

I want to thank Janet McRae the County's Economic Development director whose work you seldom see but it's making a difference in our city. She sits on the Planning Sustainable Places board which is about ready to award another round of grants on Friday – one of which is ours under consideration. She's actively involved in brining businesses and opportunities into our community. She's always at work and we owe her a debt of thanks.

I want to thank all of you on the City Council for supporting me and the City Staff – it's the collaboration and willingness to take on the tough issues and problems that's making a difference. You are all making a difference. I know Mr. Scanlon appreciates the support and so do I—let's just keep it rolling.

CITY MANAGER & STAFF REPORTS. – If you were at the ribbon cutting you heard me talk about the Flint Hills Trail Raise Grant. This is a \$24 million dollars grant to finish the Flint Hills Trial. There is about 40 miles left and that is between Osawatomie and Rantoul in rural Miami County and is considered unimproved. This money can be used for bridges, ballads and crossings under John Brown Highway and crossing across county roads. It for things to finish out the trail. All of these things begin layering on top of one another and help to get other grants.

We were notified by the Sunflower Foundation that they are going to give us a \$53,500 grant to do an economic impact analysis along with six other cities along trails. The first four will be Kansas Association of Trail Towns founding members and the other two are ones we have picked up along the way. The goal is to demonstrate the economic impact that the trails can bring to our community and that's a pretty good impact if someone is going to give you \$24 million dollars to complete the trail.

There will be more grants that we will be announcing.

There is a large battery storage company that is looking at property that adjoins property that is in our incorporated area. It is a 100 MW storage facility. It is a million dollars for every MW of storage. Their idea is to pull energy off of the Evergy grid, store it in batteries and then push it back out into the system to help with peak shave. This would go into the Southwest Power Pool. They already have a contract to purchase the property and they are already working with Miami County on zoning regulations. Bret and I have set in on a meeting where they have asked if we would incorporate them.

OTHER DISCUSSION/MOTIONS.

Motion made by LaDuex, seconded by Bratton to adjourn. Yeas: All. The mayor declared the meeting adjourned at 8:34 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk