

Osawatomie, Kansas. **September 8, 2022.** 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: Wright, Macek, Dickinson, LaDuex, Filipin and Caldwell. Council members Diehm was absent. Council member Bratton arrived at 6:34 p.m. 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, Public Works Director Michele Silsbee, Assistant to the City Manager Sam Moon and Business Liaison Kari Bradley. Members of the public were: Stan Eichorn, Doug Smith, Leah Smith, Virginia Adams, Michelle Chester, Gib Davis, John Shaw, Harriett Shaw, Renee Slinkard, James Katzer, Marva Katzer, Renee Lofing, Betty Gamblin, Steven Gamblin, Garrett Nordstrom, Johnny Cultertson, Mendi Abegg, Daniel Abegg, Dale Samuels, Derek Henness, Steve Grimes, Lindsay Freeman and JR Balog.

**INVOCATION.** – Pastor Dale Samuels, Faith Community Church

**CONSENT AGENDA.** Approval of September 8<sup>th</sup> Agenda, August 25<sup>th</sup> Council Meeting Minutes, September 1, 2022 Northland Neighborhood Meeting, Pay Application – BG Consultants - \$1,050.00 – Design Services Brown from 16<sup>th</sup> -18<sup>th</sup>, Killough Construction – Pay App #1, \$254,039.00. **Motion** made by Dickinson, seconded by LaDuex to approve the consent agenda as presented. Yeas: All.

**COMMENTS FROM THE PUBLIC.** – None.

**PUBLIC HEARINGS.**

USDA – RD AND KDHE SRF PUBLIC HEARINGS FOR WATER TREATMENT/DISTRIBUTION LOANS – The Mayor opened the public hearing at 6:34 p.m. Garrett Nordstrom stated that they are in the process of making an application with USDA to cover the loan and the cost of the water treatment plant in the amount of \$38,324,560.00 which is the cost estimate. KDHE will handle the interim financing and then USDA will come in and buy out the KDHE loan. We are holding two public hearing concurrently for the USDA and KDHE SRF loans. They Mayor asked if there were any comments. The mayor asked a second time if there were any comments regarding the USDA and KDHE SRF Public Hearing. The mayor asked a third time if there were any comments. Hearing no comments, the mayor closed the hearing at 6:35 p.m.

**PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.**

CONSTITUTION WEEK – Renee Slinkard with Daughters of the American Revolution gave a brief history on how constitution week came about. LaDeux read the proclamation. **Motion** made by Dickinson, seconded by Wright to accept the Proclamation setting September 17<sup>th</sup> through September 23, 2022 as Constitution Week as presented. Yeas: All.

DIRECT SUPPORT PROFESSIONAL RECOGNITION WEEK - LaDuex read the proclamation. **Motion** made by Dickinson, seconded by Filipin to accept the Proclamation setting

September 11<sup>th</sup> through September 17, 2022 as Direct Support Professionals Recognition Week as presented. Yeas: All.

### **UNFINISHED BUSINESS.**

RESOLUTION 979 – AUTHORIZATION TO EXECUTE POWER PURCHASE AGREEMENT FOR SOLAR FACILITY – 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). We are now ready for the development phase of this project. We have finished negotiations of the power negotiations of the power purchase agreement with Evergy. Once this agreement is executed, Evergy will be released to begin engineering and procurement of the facility. Lindsay Freeman with Evergy reported that the final pricing came in at 4.95 cents per KW hour and the levelized cost over 35 years will be 3.23 cents per KW hour. The government has passed an inflation reduction act. Within the act there are some benefits for solar projects. They can't guarantee that we will get approved for that but if it does get approved Evergy will amend our agreement regarding the pricing. Another added benefit is that the city would now be able to buy out the lease agreement in 3 years and that Evergy does not have to use the panels from their warehouse so all of the panels in the array can be the latest technology. **Motion** made by Dickinson, seconded by LaDuex to approve Resolution 979 – Authorizing the execution of a power purchase agreement to purchase power from a 5MW solar array installed by Evergy Kansas Central, Inc. as presented. Yeas: All.

### **NEW BUSINESS.**

RESOLUTION 1044 – GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) WAIVER – This resolution allows all financial statements and financial reports of the municipality to be prepared on the basis of cash receipts and disbursements, as adjusted to show compliance with the cash-basis and budget laws of Kansas. **Motion** made by Macek, seconded by Caldwell to approve Resolution 1044 – Waiving the GAAP requirements of K.S.A. 75-1120A(a) for the year ended 2023 as presented. Yeas: All.

RESOLUTION 1045 – DIRECTING STAFF TO PREPARE & ISSUE RFP FOR AUDITING SERVICES – Periodically, cities solicit proposals for auditing services to ensure they're getting the most value for the money that is spent on the audit. The last time the city solicited proposals for auditing services was in 2019. **Motion** made by LaDuex, seconded by Filipin approve Resolution 1045 – Directing City Staff to prepare and issue an RFP for auditing services for the City of Osawatomie as presented. Yeas: All.

RESOLUTION 1046 – DE-ANNEXATION OF CERTAIN RESIDENTIAL PROPERTIES IN THE NORTHLAND – Current Kansas State Law allows an area to petition the City Council for de-annexation. A petition has been delivered to the city from the neighborhood. We've hosted several meetings over the last three months and provided cost estimates related to possible sanitary sewer connections. We have also conducted a survey and mapping exercise related to gauge the neighborhoods desire for de-annexation. That map yielded 22 people who asked to be de-annexed. **Motion** made by Bratton, seconded by Cathy to approve Resolution 1046 – to de-annex portions of the city's northland area as presented. Yeas: All.

RESOLUTION 1047 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TENPENNY LAW LLC FOR SERVICES RELATED TO NATIONAL HISTORIC PARK DESIGNATION – This resolution would authorize the city manager to execute an agreement with Tenpenny Law, LLC, in an amount not to exceed \$25,000 to begin the process of National Historic Park designation for the John Brown Cabin and Park. **Motion** made by LaDuex, seconded by Bratton to approve Resolution 1047 – Approving a contract with Tenpenny Law LLC as presented. Yeas: All.

RESOLUTION 1049 – AUTHORIZATION BROWN AVENUE CHANGE ORDER #1– After placing survey markers for the start of construction on the Brown Ave project, the resident at 1801 Brown Ave called in with a drainage concern. Specifically, he was worried that the placement of the storm sewer outfall for the intersection at 18th St would cause flooding around his house. Per original design, the outfall of the storm sewer main would have ended between the front door walkway and the driveway on his property. We determined that the end of the storm sewer main did need to be extended to avoid impacting the property due to the front yard topography and a fully blocked driveway culvert. Working with BG Consultants and the private property owners at the intersection, we were able to determine the most effective way to mitigate the drainage concern. As a result, the storm sewer main was extended 100 LF and a new 40’, 12” culvert was installed under the driveway to maintain drainage of the property. **Motion** made by Bratton, seconded by LaDuex to approve Resolution 1049 – Authorizing a change order to the Brown Avenue Street construction contract and the payment thereof as presented. Yeas: All.

ORDINANCE 3815 –ADOPTING THE 2022 STANDARD TRAFFIC ORDINANCE –. The Standard Traffic Ordinance (STO) for Kansas Cities have been published by the League of Kansas Municipalities. They are designed to provide a comprehensive traffic code for Kansas Cities. **Motion** made by LaDuex, seconded by Bratton to approve Ordinance 3815 – Regulating traffic within the corporate limits of the City of Osawatomie, Kansas; Incorporating by reference the” Standard Traffic Ordinance for Kansas Cities” edition of 2022, with certain omissions changes, and additions; prescribing additional regulations; amending chapter 14, article 1, of the City of Osawatomie Municipal Code; and repealing existing provisions as presented. Yeas: All.

ORDINANCE 3816 –ADOPTING THE 2022 UNIFORM PUBLIC OFFENSE CODE – The Uniform Public Offense Code (UPOC) for Kansas Cities have been published by the League of Kansas Municipalities. They are designed to provide a comprehensive criminal code for Kansas Cities. **Motion** made by Dickinson, seconded by LaDuex to approve Ordinance 3816 –Regulating public offenses within the corporate limits of the City of Osawatomie, Kansas; incorporating by reference the “Uniform Public Offense Code for Kansas Cities” Edition of 2022; amending and repealing Chapter 11, Article 2, Section 201 of the City of Osawatomie Municipal Code; and repealing existing provisions as presented. Yeas: All.

**EXECUTIVE SESSION** – None.

**COUNCIL REPORTS**

Lawrence Dickinson ~ Freedom Festival is September 17<sup>th</sup> & 18<sup>th</sup> in the park.

Tammy Filipin ~ If anyone has any firewood they could donate they are still needing some for the Freedom Festival.

Cathy Caldwell ~ The Tourism Committee has a subcommittee for fundraising. They met on Wednesday and a letter has been put together for fundraising. There is also a Tourism meeting on Thursday.

**MAYOR'S REPORT** – I want to thank Sam for getting everything put on the new web site. If you haven't had a chance to see our new web site. Go out and look at it. It's packed with stuff for all their work both tonight and getting to tonight for all the street projects started, about to be started and in our future.

There's a whole slew of grant announcements coming in regards to the City of Osawatomie - some of these will include the Governor, US Reps and US Senators. Some of these are being planned to happen right here in Osawatomie. I've asked Mr. Scanlon to get out dates ASAP so we have a chance to get them on our calendars.

For all of that to happen I want to thank Mr. Scanlon and the City Staff for all the work they've put in to get our grant requests and applications to the finish line. It's their dedication to our town that's making a huge difference. So, thank you all.

**CITY MANAGER & STAFF REPORTS.** – September 16-21<sup>st</sup> Bret, Sam and Mike will be attending the ICMA conference in Columbus Ohio. Bret, Mike, Lindsay with Every and Jon Peacock (county manger from Pitkin County, CO) will be presenting on community solar arrays. Mike will also be involved in a roundtable on Downtown Development. Mike has been asked by ICMA to serve on their planning committee for their conference in Austin, TX next year.

Mike was also asked to set on the MARC housing advisory board.

Next Monday Bret and Mike will be meeting with the school district to present a plan asking the school to donate property that abuts property owned by Stan Gray. We think that we can create 14 to 15 lots. We have a grant application that with their blessing we will apply and we would have a good shot at it. It would combine a school district, the city and affordable housing component in an area that is very walkable.

We will be presenting to the county commission in a month the RHID for 10 acres.

We met with Palace Market this morning and we think that we found a location that's even better than where they are.

Raise Grant – US Representative Sharice Davids, US Representative Jake LaTurner, and Senator Moran will be at our trailhead October 29<sup>th</sup>. We will have a breakfast and they will be talking

about the Raise grant. About 7 million is dedicated to the portion of our trail between Osawatomie and Rantoul. KDOT would also like to participate because their grant ties into the trailhead. The John Brown Levy Loop. The South Levy Loop then ties into the Sixth Street Project that Bret and Michele are working on.

Tammy is also out of town the same time that Mike and Bret are out of town. Terry Upshaw will be the acting City Manager during that time.

Sam Moon – The Arts Commission has met two times and they are working on the next set of murals that was funded by the Hawkins Foundation. We hope to have an update at the next council meeting. There are some special guest speakers at the Freedom Festival this year.

Kari Bradly – There is a sign-up sheet for volunteers if you would like to volunteer.

#### **OTHER DISCUSSION/MOTIONS.**

**Motion** made by LaDuex, seconded by Dickinson to adjourn. Yeas: All. The mayor declared the meeting adjourned at 7:37 p.m.

/s/ Tammy Seamands  
Tammy Seamands, City Clerk