

Osawatomie, Kansas. **September 12, 2024.** 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, Macek, Diehm, Henness, Bratton, Filipin and Caldwell. Council member Dickinson was absent. City Staff present at the meeting were: City Manager Bret Glendening, City Attorney Jeff Deane, Deputy City Manager Michele Silsbee, City Clerk Tammy Seamands, Utilities Director Terry Upshaw, Assistant to the City Manager Samantha Moon and Water and Wastewater Superintendent Andrew Burkhart. Members of the public were: Ryan Gamboa, Renee Slinkard, Douglas Petroskey, Wayne Ova, Brian McCauley, Teresa Whitaker and Austin Masters.

**INVOCATION.** – Pastor Wayne Ova – Faith Baptist Church

**CONSENT AGENDA.** Approval of September 12, 2024 Agenda, August 22, 2024 Council Meeting Minutes, Pay Application - BG Consultants – Golf Course Clubhouse Architectural Work - \$935.00, Pay Application - BG Consultants – 6<sup>th</sup> Street Construction - \$4,612.00, Pay Application – BG Consultants – Northland Sewer Interceptor - \$9,760.00, Pay Application – On Call Services (incl. bike/ped overpass) - \$1,759.50. **Motion** made by Schasteen, seconded by Filipin to approve the consent agenda as presented. Yeas: All.

#### **COMMENTS FROM THE PUBLIC.**

Ryan Gamboa – I am a reporter for the KSHB-Channel 41 News. I am new to KSHB and to the Kansas City Metro area. I am passionate about rural America. KSHB's mission statement is A Voice for Everyone. I am here tonight because I am interested in the water and how that pertains to quality of life for the citizens.

Pastor Wayne Ova – We will have a booth at the Freedom Festival and we will be giving out a free bottle of water. We also have a grief comfort series of lessons that will start up October 3<sup>rd</sup> from 4:30 p.m. – 6:00 p.m. It will be located in the library conference room. October 6<sup>th</sup> is Porchfest and we have a group of musicians from our church that will be performing at 1026 Brown at 3:00 p.m.

#### **PUBLIC HEARINGS.**

**AMENDMENT TO NEIGHBORHOOD REVITALIZATION PROGRAM** – The mayor opened the public hearing at 6:43 p.m. Bret Glendening discussed the Neighborhood Revitalization Program and the proposed change to amend the city's NPR program to remove the 5<sup>th</sup> Street Terrace parcel from eligibility. When we get ready to issue debt for the construction of the infrastructure, we do not want these parcels to be entered into the NPR for the taxes to go to the homeowner. We need those taxes to go towards debt retirement. The mayor asked if there were any comments. The mayor asked a second time if there were any comments on the Neighborhood Revitalization Program. The mayor asked a third time if there were any comments regarding the Neighborhood Revitalization Program excluding the 5<sup>th</sup> Street Terrace Subdivision. Hearing no other comments, the mayor closed the hearing at 6:44 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. Schasteen read the proclamation. **Motion** made by Henness, seconded by Schasteen to accept the Proclamation setting September 17<sup>th</sup> through September 23, 2024 as Constitution Week as presented. Yeas: All.

WATER TREATMENT PLANT STATUS – Austin Masters, USDA Rural Development reviewed the conditions letter from USDA Rural Development which needs to be agreed on by the council before further consideration may be given to the application for a \$30,566,000 agency loan and \$15,381,000 agency grant to used to construct a new water treatment plant. The interest rate on the loan is 3.25% but could improve depending on what the rates are when the loan is closed. The loan would be paid off over 40 years with annual payments around \$1.3 million.

## **UNFINISHED BUSINESS.**

RESOLUTION 1255 – AUTHORIZING THE MAYOR TO EXECUTE USDA DOCUMENTS FOR NEW WATER PLANT - This project has been a long time coming and Glendening cannot emphasize enough the criticality of this decision. What the council decides will set the course for the city of Osawatomie for at least the next 50 years and most likely, forever. There is no turning back.

Everyone is well aware of the deficiencies that our current water treatment plant has. Regulations have changed to the point that our plant cannot easily produce water that is compliant with today's standards.

In 2021, the council established a committee to study what direction the city should take. Glendening was a part of that committee before he returned to service with the city and he can say that other options were considered. Rehabilitating the existing plant is not feasible and at the end of the day under this option, you spend a lot of money and still have an old plant. Another option considered was to get out of the water production business altogether and join either the Marias Des Cygnes PUA or connect to RWD #2. PUA's water is already expensive. Louisburg and Paola must buy their water from the PUA and still maintain their own distribution system. Those community's water rates or at or approaching \$10/1,000 gallons of water (\$10 for Paola and \$8.84 for Louisburg). Additionally, those communities still must maintain their own distribution systems.

Once we have updated numbers from RWD #2, we will share those, but 2-3 years ago, the cost to purchase water from #2 was between \$4 and \$5/1,000. Additionally, the cost to build the main from their system to ours was between \$5M and \$7M. In addition to the cost of water and the water main connection, the city will still need to maintain a water crew and the water distribution lines. We will also need to purchase storage in Hillsdale Lake.

We have been able to keep water rates low because we have not been investing adequately in our water plant. Our rate study that was performed 2 years ago calls for water rates to go up to \$9.90/1,000 gallons in 2025 and \$11.90/1,000 gallons in 2027. As you can see, our neighbors are

already paying these types of rates, so if there is a thought that by getting out of the water treatment business, we can avoid raising water rates, think again. Rates MUST go up regardless of whether we buy water or we produce our own. **Motion** made by Macek, seconded by Bratton to approve Resolution 1255 – Authorizing the mayor to execute certain documents pertaining to the construction of a new water treatment plant and replacement of water distribution lines as presented. Yeas: All.

RESOLUTION 1250 –AUTHORIZING EXECUTION OF LETTER OF INTENT FOR SHOOT HOUSE PAINTBALL – Resolution 1250 authorizes the City Manager to negotiate and execute a letter of intent with Shoot House LLC for the purchase of 12 acres of land (Northland 1B). This property has been leased, re-leased, and had predevelopment agreements signed, but it's time to move on.

The letter of intent lays out the basic framework that the real estate sales agreement will be based upon. There are a couple of “outs” for now that I have requested. One is missing 3 payments in a row and the second is if another developer comes knocking and is interested in this parcel in question, the city has the right to call the outstanding balance due. If the balance is not paid in full, the city has the right to sell the property to the other developer.

Title to the property will remain with the city until the buyer completes their obligations under the lease/purchase agreement. The revised price based on an appraisal of \$5,454/acre is \$120,000 for 22 acres of land. Mr. Petrosky has scaled back what he wishes to purchase to 12 acres. At \$5,454/acre, the revised sale price would be: \$65,448. **Motion** made by Diehm, seconded by Schasteen to approve Resolution 1250 – Authorizing the city manager to negotiate and sign a letter of intent with Shoot House Paintball, LLC for the purchase and development of a portion of Northland Property Phase 1B as presented. Yeas: (5) Schasteen, Diehm, Henness, Filipin and Caldwell. Nays: (2) Macek and Bratton.

RESOLUTION 1253 – RECOMMENDATION ON 5<sup>TH</sup> STREET TERRACE DEVELOPER - City staff requested sealed qualifications from qualified developers for the 5th Street Terrace housing project.

City staff received one proposal from the request for proposals from a team comprised of: Alcove Development, Heartland Housing Partners and AU Construction.

City staff as well as two representatives from the governing body (Cathy Caldwell and Mayor Hampson) reviewed the proposal and interviewed the principals of each company, Alcove Development (Dustin Baker) and Heartland Housing Partners (Ross Vogel). While minor differences in approach remain, I believe we can come to an agreement on the development of the project.

This resolution awards the sale and development of the property to the development team but nothing happens until such time as a mutually agreeable development agreement is in place. **Motion** made by Schasteen, seconded by Filipin to approve Resolution 1253 – Awarding the development of the 5<sup>th</sup> Street Terrace RHID project to Alcove Development and Heartland

Housing Partners contingent upon the execution of a mutually agreeable development agreement as presented. Yeas: All.

RESOLUTION 1254 – REMOVING 321 MILL, 1116 4<sup>TH</sup> & 719 5<sup>TH</sup> FROM CONDEMNATION LIST - Having condemned these three properties and afforded the owners an opportunity to make the necessary repairs to make them habitable again, and each property owner having complied with the council's terms and conditions for staying the demolition of these properties, we now need to remove them from the condemnation list.

During the budget presentation at the last council meeting and specifically speaking about our goal of cleaning the community up, Glendening would caution the council against continuing the practice of allowing people the opportunity to “fix” properties that are scheduled for condemnation. Issues that we have encountered include: individuals who do not know the code or wish to argue about what needs to be updated/replaced and what does not. Two of these three properties required constant “babysitting” by our building inspector. Additional issues included: struggles to provide, or in one instance near refusal to provide a letter of credit; It was only the promise to demolish the structure that forced them to provide the LOC, and the inability to complete the work in a timely fashion.

In the end, once a structure has been allowed to deteriorate to the point that it needs condemned, Glendening suggests that we move forward with the condemnation and demolition process. The work that is required on these properties is significant and while the building code dictates means and methods for construction, it does not dictate quality and we do not have a way to enforce “quality” construction. **Motion** made by Macek, seconded by Schasteen to approve Resolution 1254 – repealing Resolution Nos. 1193, 1194 & 1195 that the structures located at Lt 20 Blk 91 Ellensville Addn Section 11 Township 18 Range 22. In the City of Osawatomie, Miami County, Kansas, commonly known and referred to as 719 5<sup>th</sup> St. and Lot 6 Blk 2 Blaines Addn Section 11 Township 18 Range 22. In the City of Osawatomie, Kansas, and IDA May Sinkay's Addn Osaw, Block 1, Lot 4, Section 11 Township 18 Range 22. In the City of Osawatomie, Miami County, Kansas; commonly known and referred to as 1116 4<sup>th</sup> St., Osawatomie, Kansas Osawatomie, Kansas, is unsafe or dangerous and directing action consistent with such finding as presented. Yeas: All.

ORDINANCE 3857 – EXEMPTION 5<sup>TH</sup> STREET TERRACE SUBDIVISION FROM THE NRP - The current version of the Osawatomie Neighborhood Revitalization Plan was approved in December 2008 with a 10-year sunset clause. It would have expired at the end of 2019. The plan offers an incremental tax rebate for new construction with a minimum increase of \$15,000 in appraised value.

All property within city limits is eligible for the program except the property in Parkview East, Parkview West, Hickory Valley, Slayman Heights, Northland and South of the Pottawatomie Creek Levee System. In the event of a transfer of ownership of a parcel during the eligible rebate period, such parcel and the new owner thereof shall remain eligible to apply for the rebate. Rebates shall be made payable only after the application is made and approved. Rebates approved for payment shall be made within 30 days of the June 5th distribution.

According to Kansas Statutes, the plan may be extended by the Council, as is, at a regular council meeting. If the Council desires to make any amendments to the plan, the Council must conduct a public hearing and publish notice of the public hearing at least once per week, for two consecutive weeks prior to approving any changes to the plan. Any extension or amendments made to the Neighborhood Revitalization Program must be made by the passage of a new ordinance and must be approved by a 2/3rds vote of the governing body.

For the last 4 years, the council has authorized 1-year extensions of the program. Extending the program for 10 years does not preclude us from revisiting that plan and making amendments to it at any time during that 10-year period.

We now have a need to amend the city's NRP program to remove the 5th Street Terrace parcel from eligibility. When we get ready to issue debt for the construction of the infrastructure, we do not want these parcels to be entered into the NRP for the taxes to go to the homeowner. We need those taxes to go towards debt retirement. **Motion** made by Macek, seconded by Filipin to approve Ordinance No. 3857 – Amending the Osawatomie Neighborhood Revitalization plan to exclude the 5th Street Terrace Subdivision as presented. Yeas: All.

## **NEW BUSINESS.**

ORDINANCE \_\_\_\_ – MOTORIZED SCOOTERS ON CITY STREETS (no action) – The city has been approached by a resident to amend city code to allow motorized scooters on city streets. The reason for the request came from a traffic stop that was made and while no citation was issued, the officer advised the rider of the scooter that motorized scooters could not be legally operated on city streets. The resident requested the council consider this modification to the city code.

ORDINANCE \_\_\_\_ -EXTENDING DAYS FOR SALE OF FIREWORKS (no action) – The city has been approached by a fireworks vendor to amend city code to allow for fireworks sales on July 5<sup>th</sup>. No changes will be made to the timeframe allowed for discharge of fireworks. Allowing for the sale of fireworks on the 5<sup>th</sup> is allowed under state law. Chief Sharp and Deputy Chief Kerr have been asked for input or objections, which they have none.

The city manager does not have any issues with this and encourages the council to favorably consider the modification. Too often we are in the “enforcement” business or “collections” business. It's good to be in the “working with people and businesses” business once in a while. Often times it can have a ripple effect to other areas we operate in that are not always popular.

**EXECUTIVE SESSION – None.**

## **COUNCIL REPORTS**

Kevin Schasteen ~ Last week Pride planted mums downtown. We had one of the best turnouts in a really long time. We had 18 people show up to help. Thank you to Bryce. He showed up and got us the plants and got us going. This week the forestry site was locked up and I don't know who the plant operator was over the weekend but she was the nicest person. Freedom Festival is September 21-22<sup>nd</sup>. They have a lot of new stuff planned for this year.

Kenny Diehm ~ Have we got someone to get 10 acres cleaned up so that we can get some of those weeds out of there?

Tammy Filipin ~ I just want to express my dissatisfaction of the care that we have been taking with the weed eating down at the John Brown Cabin. They have done a horrible job of weed eating in the park.

### **MAYOR'S REPORT**

Nick Hampson ~ We are looking for volunteers for the Freedom Festival.

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

Bret Glendening ~ We have eight chamber dinner tickets for the City's table. The dinner is October 1<sup>st</sup>. If any of the council would like to attend, please let me know.

We have seven structures that will be brought to the council in the beginning of November that is slated for condemnation.

December 12<sup>th</sup> Alcove Development will be at the council meeting to present their site plan and floor plans for the Swenson building. I have sent a draft file to Police, Fire, Utilities and the Deputy City Manager to review and give feedback, comments or concerns they may have.

Terry Upshaw ~ Andrew Burkhart is our Water and Wastewater Superintendent and he recently attended a Kansas American Waterworks Conference in Wichita. While there along with three other operators from the City of Iola he competed in an Environmental Excellence Competition. This competition showcases the most knowledgeable water and wastewater operators in the state of Kansas. Andrew took 1<sup>st</sup> Place. This was Andrews fifth year competing and his fourth time winning 1<sup>st</sup> Place. He has been asked to be a judge over this competition next year. Congratulations Andrew!!

Michele Silsbee ~ Beginning Friday the entire intersection of 6<sup>th</sup> & Main will be closed to all traffic for a water line adjustment. Contractors plan to have the intersection back open by the end of the work day, but if there are delays the plan will be to open the intersection on Saturday morning for the weekend traffic. The intersection will be closed again on Monday.

Additionally on Monday, concrete work will begin on the northbound lane between Brown Avenue and Kelly Ave.

Samantha Moon ~ We have a Clara Barton exhibit on display Saturday, September 14, 2024 from 12:00 pm to 4:00 pm. The display will be at 545 Main Street. This multi-panel traveling exhibit is on loan from the National Museum of Civil War Medicine as part of the City of Osawatomie's annual Freedom Festival. Freedom Festival is September 21-22<sup>nd</sup>.

Porchfest if October 6<sup>th</sup> and we have about a dozen artists/groups signed up.

Solar Array Ribbon Cutting is October 29<sup>th</sup> at 5:00 p.m. at the solar site (NW Osawatomie Road and W 335<sup>th</sup> St).

Sharice Davids is coming to visit and take a tour of the library on October 3<sup>rd</sup>. She wants to learn more about the services that we provide to our community.

The state came down and looked at the windows at the cabin and had a contractor take measurements. They have added the windows to their statewide bid list. There is not a project date yet but it is on the top of their priority list. We will have at least a temporary solution before the weather changes. It looks like we will get a full replacement with metal windows sometime in 2025.

We are scheduling field trips to the cabin for 2025.

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

**Motion** made by Bratton, seconded by Schasteen to adjourn. Yeas: All. The mayor declared the meeting adjourned at 08:30 p.m.

/s/ Tammy Seamands  
Tammy Seamands, City Clerk