

Osawatomie, Kansas. **October 12, 2023.** 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: Schasteen, Macek, Diehm, Dickinson, LaDuex, Bratton, Filipin and Caldwell. City Staff present at the meeting were: City Manager Bret Glendening, City Clerk Tammy Seamands, City Attorney Jeff Deane, Utility Director Terry Upshaw, Public Works Director Michele Silsbee, Assistant to the City Manager Samantha Moon. Members of the public were: John Wastlund, Diane Rosebaugh, Derek Henness, Brian McCauley and Shay Hanysak.

INVOCATION. – Pastor John Wastlund, The Well Wesleyan Church

CONSENT AGENDA. Approval of October 12, 2023 Agenda, September 28th Council Meeting Minutes, Special Event Permit – Spook Parade, 08-2023 Council Report. **Motion** made by Dickinson, seconded by LaDuex to approve the consent agenda as presented. Yeas: All

COMMENTS FROM THE PUBLIC.

Pastor John Wastlund – The Ministerial Alliance is working on a new kind of request form for benevolence. We will be able to share this database with all of the churches in town. The reason that this will help is because sometimes some people go from church to church to ask for help. Without the communication between the churches, it is hard to advocate the resources that we have. The Ministerial Alliance has also worked very hard to obtain a 501(c)(3) status. We are going to try to start receiving some grants. We would like to be able to help people with things like budgeting classes or working with first responders to offer a first aid CPR class. We feel that the best way to minister is to be in the community.

The Well Wesleyan Church is considering using the land that we have for some type of childcare. We believe that we could get a grant to pay for a facility and to help subsidize some of the cost of childcare. This is still in the planning stages.

PUBLIC HEARINGS. -None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS. -None.

UNFINISHED BUSINESS.

RESOLUTION 1175 – AWARD 6TH STREET RECONSTRUCTION CONTRACT – At the beginning of 2023, there was \$4,120,000 (rounded) remaining of the GO Bonds that were issued in March of 2022. Brown Avenue from 16th to 18th was built, several segments of existing streets were milled and overlaid with a portion of the bond proceeds and design for Brown Ave. and 6th Street were also paid for with these proceeds.

Of the \$4,120,000 that remained at the beginning of 2023, we have spent \$1,717,093 for the Main St. Terr/18th St. and Walnut Ave. projects, we have committed to \$2,160,000 for the cost of Brown Avenue construction. Here is where we are at for the remaining streets that have been designed or are nearing the completion of design. Note, this is the same table that I provided in May of 2023, but I've updated the numbers (highlighted) to reflect what we now know.

Begin. Balance CIP Street Fund (1/1/23): \$4,120,000	FCST CASH for 6th St. begin. 1/1/2024: \$ 459,000
Main St. Terr/18 th /Walnut Ave (Final): \$1,717,093	Add: Cost Share Grant: \$1,500,000
Balance Remaining for 6th & Brown: \$2,402,907	Mi. Co. Sales Tax: \$ 500,000
<i>Less Brown Ave. (no water line): \$2,160,000</i>	Total Resources Available: \$2,459,000
Balance Remaining for 6 th (no water): \$ 242,000	Less Awarded Cost (see supplement): \$4,953,765
Add in ½ cent sales tax for 2022/2023: \$ 400,000	<i>(Includes street cost but no water, plus add alts. 1 & 2)</i>
Less design cost on 6 th St (to go to bid): \$ 183,000	DIFFERENCE: (\$2,494,765)
FCST CASH for 6th St. begin. 1/1/2024: \$ 459,000	Temp. Note Proceeds: \$2,500,000
	Balance Remaining*: \$ 5,235

This table reflects exactly where we are at as of September 1. The balance of \$4.7M does not reflect approximately \$600,000 that has since been credited back to the CIP street fund from the CIP water fund to cover the cost of the water line on Brown. I recommend that a portion of these dollars be spent on designing the next round of street projects and the remaining portion be spent on a mill and overlay of Parker Ave. from 12th to the city limits.

Balance of CIP Street Fund (9/1/23): \$4,762,000	FCST CASH for 6th St. begin. 1/1/2024: \$3,389,300
Remains to be paid on Brown Avenue: \$1,772,548	Add: Cost Share Grant: \$1,500,000
Balance Remaining for 6th: \$2,989,452	Mi. Co. Sales Tax: \$ 500,000
Balance Remaining for 6 th (no water): \$2,989,452	Total Resources Available: \$5,389,452
Add in ½ cent sales tax for 2022/2023: \$ 400,000	Less Awarded Cost (see supplement): \$4,953,765
FCST CASH for 6th St. begin. 1/1/2024: \$3,389,000	<i>(Includes street cost but no water, plus add alts. 1 & 2)</i>
	DIFFERENCE: \$ 435,687
	<i>(This will be set aside for construction observation)</i>

Motion made by Macek, seconded by Schasteen to approve Resolution 1175 – Accepting the recommendations of BG Consultants for the award of the 6th Street reconstruction project to Killough Construction that includes the replacement of the water main in the amount of \$1,306,080; the replacement and reconstruction of stormwater systems, curb, gutter, street surface (concrete) and sidewalks in the amount of \$4,875,903.33; cleaning and improving carrying capacity of a ditch that parallels 6th street on the west to the levee in the amount of \$52,200; and reconstruction of an ADA ramp in the amount of \$25,362 for a total contract amount of \$6,259,845.33 as presented. Yeas: All.

RESOLUTION 1176 – AUTHORIZING SALE OF ANIMAL SHELTER TO ALWAYS & FUREVER - Since 2019, the city in cooperation with the A&F has been operating the Osawatomie Animal Shelter as a “no kill” shelter. In that time, A&F has shown themselves to be a good partner willing to invest both in the facility and care of the animals. A&F has spent over \$300,000 in their mission to save the animals housed in the facility. Recently A&F has committed \$10,000 through donors to acquire a new air conditioner and has agreed to another \$58,000 (\$36,000 in June when we first took up the matter of selling the pound) for the replacement of kennel cages purchased more than 25 years ago.

We don’t believe we could have found a better partner than A&F and we hope that the governmental institutions throughout Miami County will contribute resources for their continued success.

The appraisal for the property is \$78,000. The need for new cages (~\$58,000) and an AC unit that is going to need to be upsized (~\$10,000), I recommend the council agree to the sale of the facility for \$52,500. Formal requests have been submitted to the city of Paola as well as Miami County for them to contribute \$12,750/ea which will make the city of Osawatomie whole in this transaction. **Motion** made by Schasteen, seconded by Filipin to approve Resolution 1176 – Authorizing the sale of the Osawatomie Animal Shelter to Always & Furever in the amount of \$52,500 with the following conditions – a deed restriction stating that the facility can only be ran as a animal shelter, the City has the right of first refusal to buy back the property at the original sales price and the name of the facility be changed so that it does not include the word “pound” in the name. Yeas: All.

RESOLUTION 1179 – AWARDING LEAD/COPPER INVENTORY RFP TO 120 WATER - City staff requested proposals for EPA and State of Kansas mandated inventory of water service lines to be completed by October 2024. City staff received (1) response to the RFP from 120 water. It is the City Staff’s recommendation to accept the response to the RFP.

This work is out of the scope of the capabilities of City staff, as it requires an inventory of all water service lines, and determination of the existence of lead lines in particular. This would require citizen response to surveys, if citizens are even aware of the material of their service line, or it would require hydro-excavating approximately 1,750 service lines.

At minimum, the price for this service will be \$26,000 if the software were to work perfectly (100%) and determination of lead service lines (unlikely) and no consumables (lead check swabs, pitcher and filters etc.) were to be needed. At maximum this service (assuming 20% hydro-excavation of service lines) will cost \$271,400 (also unlikely). We expect that the software will provide approximately 90% clearance rate. We anticipate this cost to be approximately \$122,700, which accounts for 90% software clearance rate and 10% hydro-excavating. **Motion** made by LaDuex, seconded by Caldwell to approve Resolution 1179 – Awarding the service line inventory to 120 Water as presented. Yeas: All.

NEW BUSINESS.

RESOLUTION 1177 – ESTABLISHING ECONOMIC DEVELOPMENT POLICIES FOR THE CITY (NO ACTION) - As was discussed at the September 28, 2023 council meeting, there are property owners that have agreed to be annexed into the City of Osawatomie and we have brought them into the city limits under state statute.

City staff has drafted a set of economic development policies for the council to consider. These policies will guide us as we continue to see growth moving further south into Miami County. Due to this pressure from the north, we need to be prepared with a set of policies and incentives to offer companies that meet the criteria as laid out in the policies the council will ultimately adopt.

RESOLUTION 1178 – AUTHORIZE MAYOR TO SIGN LETER OF INCENTIVES TO VICTORY CHEVY (NO ACTION) - We have been approached and explored various economic development projects in our community. One of the emerging trends we have seen in other

communities is an effort to both simplify and create transparency in how economic incentives are given.

Local government incentives are based on various state statutes – many of which have been written, rewritten and amended dozens of times. The language in these laws are complex and sometimes specific to just one community. Simply referencing the statute we feel doesn't add to the transparency needed when discussing economic incentives.

We believe that the approach we should take is similar to what is outlined in the attachment to this AIS – a Memorandum from Gilmore Bell regarding Economic Development Grants (EDGs) or Structured Incentives (SI). We believe this is a far simpler and more transparent approach and one that can be repeated for various types of companies. But for these SIs to be effective and beneficial to the community there needs to be an agreed upon set of policies that outlines, where, when, in what amount and for whom they can be granted. There also needs to be reporting requirements and other terms and conditions that should be considered when a unique situation presents. That is why Resolution 1177 was on the agenda tonight for discussion and future consideration. In addition, we need to begin finalizing an Economic Development Agreement with Victory Chevrolet. We will be attempting to finalize this agreement within the next 30-days for consideration at the November 9th City Council meeting.

RESOLUTION 1180 – ACCEPTING BID FOR ASBESTOS ABATEMENT SERVICES FOR OSAWATOMIE PUBLIC LIBRARY–The Osawatomie Public Library has been battling ongoing moisture problems in the basement, which currently serves as the Youth/Children's Department. Staff currently runs dehumidifiers 24/7 and has had the basement professionally treated for mold. These moisture issues are compounded by the approximately 2,500 sq ft of carpet, which is also dated and heavily worn. As part of facility maintenance and upgrades, staff and the Library Board of Trustees opted to remove the basement carpet in favor of a durable hard-surface flooring with machine-washable area rugs as needed for comfort or activities. To help expedite the removal process, staff recruited an area flooring contractor who pulled a section of carpet and discovered intact tiles and mastic. Due to the age of the building (1980), the contractor sent samples to an asbestos testing facility, where the mastic tested positive for containing asbestos. The exposed tiles were covered with new carpet until the project could continue per industry standards. Staff developed and published an RFP for asbestos abatement services. The RFP was sent to four regional abatement companies and posted on the City's website, and three bids were returned.

1. Construction and Abatement Services (CAS) - \$12,500.00
2. Titan Environmental Services - \$14,987.65
3. SMART Environmental Services, LLC - \$12,030.00
4. Thunder Abatement – No Bid

Of the bids received, staff believe that SMART Environmental Services, LLC had the most complete proposal and included information on work site preparation and an estimated timeline for completion. They were also the lowest bidder.

Once a bid is accepted, staff will work with selected service provider to formalize a contract and determine work dates. **Motion** made by Caldwell, seconded by LaDuex to approve Resolution 1180 – Accepting a bid for asbestos abatement services for Osawatomie Public Library in the amount of \$12,030 as presented. Yeas; All.

EXECUTIVE SESSION – Motion made by Lawrence, seconded by Schasteen that the City Council recess into closed, executive session for the purpose of discussing financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships pursuant to the exception K.S.A. 75-4319 (b)(4). The closed meeting will last 30 minutes and will resume here in Memorial Hall at 8:11 p.m. Also attending will be City Manager Bret Glendening, City Clerk Tammy Seamands, City Attorney Jeff Deane and Consultant Mike Scanlon. Yeas: All.

The council meeting resumed to open session at 8:11 p.m. with no action taken.

COUNCIL REPORTS

Cathy Caldwell ~ I attended the League Conference earlier this week. I found it very interesting. I went to several breakout sessions and I met several new people. I really enjoyed it.

Tammy Filipin ~ I also attended the League Conference and really enjoyed it.

Karen LaDuex ~ The John Brown Foundation made the decision to cancel the Border War BBQ for this year. There were not enough teams signed up for the event to be sanctioned. We are moving ahead and starting to make plans for next year. Jeff Dorsett has some nice events planned for the Third Saturday Celebration.

Kevin Schasteen ~ I also attended the League Conference and agree with Cathy and Tammy. Brown Street work continues.

MAYOR'S REPORT

We had the groundbreaking tonight for the solar array. Thanks again to the city staff that has worked on that.

The Booster Club is firing back up. If you would like to be involved.

CITY MANAGER & STAFF REPORTS.

Bret Glendening – 6th Street water permit came in today from KDHE. So as soon as we can get coordinated with Killough on their subcontractor, who will be doing the water line, we would like to get started on that sooner than later. We are in the process of acquiring construction easements. This will be an 11-month project.

We have someone that is interested in buying out the Hickory Valley property and finishing out that subdivision.

Thank you, Sam for coordinating the ground breaking event this evening and coordinating with Evergy.

Terry Upshaw – On the 2nd we had the Brown Street Water Tower drained so that Eye Solutions could make connections to that tower. At the same time, we also had a water leak in the 1700 block of Brown and while working on that we had another leak pop up at 12th & Parker. The seconded leak was on a 10” main. We made a decision to shut as many valves as possible to stop us from losing the East tower. Anytime you go below 20 psi in the system in a significant portion of your system (25%) you need to issue a boil advisory.

The most recent boil advisory happened at our plant. When leaving at night someone did not turn off the intake pump. The filter valves were closed which caused the water to overflow and it ran into our clear-well downstairs. The clear-well contains treated water and the water that ran into it was untreated so that caused the 2nd boil advisory.

Sam Moon – the mural at the hub is almost finished. The Arts Commission would like to hold a dedication at the Third Saturday Event since it is in a community space and it is for the community.

Text my Gov is a free text-based way to receive city alerts. There are three subscriptions. They are emergency alerts, general alerts and one for road alerts.

OTHER DISCUSSION/MOTIONS.

Motion made by Schasteen, seconded by LaDuex to adjourn. Yeas: All. The mayor declared the meeting adjourned at 08:25 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk