

Osawatomie, Kansas. **February 12, 2026.** The Council Meeting was held at the City Auditorium located at 439 Main Street. Mayor Nick Hampson called the meeting to order at 6:00 p.m.

Council members present: Macek, Diehm, Dickinson, Hennes, Bratton and Filipin. Council member Caldwell arrived at 6:06 p.m.

Council members absent: Schasteen.

City Staff present: City Manager Bret Glendening, Deputy City Manager Michele Silsbee, Director of Utilities Terry Upshaw, City Clerk Tammy Seamands, City Attorney Jeff Deane, Public Safety Officer Grant Sparks, and Public Safety Officer Caden Johnson.

Members of the public present: Mike Wyse, Jan Sykes, Wayne Cutting, Nicole Hennes, Nancy Thompson, Jacki Glendening, Kathy Huntress-McElhiney, Brandon Willey, Whitney Willey, Mike Bostick, Shannon Bostick, Brad Hendrickson, Herb Byard, Dustin Brinkerhoff, Bill Hall, Marilyn Hall, Dean Inscore, Polly Inscore, Shay Hanyasak, Alex Lamberson and a couple unidentified individuals.

INVOCATION. – Pastor Dustin Brinkerhoff ~ Victory Baptist Church

CONSENT AGENDA.

- A. February 12, 2026 Agenda
- B. January 22, 2026 Meeting Minutes
- C. Pay Application(s)
 - BG Consultants – WTP Project Design - \$96,100.00
 - BG Consultants – Water Distribution Project - \$24,075.00
- D. Special Event Permit(s)
 - Car Stereo Competition (March 28, 2026)
- E. AP Council Report – December 2025

Motion made Dickinson, seconded by Macek to approve the consent agenda as presented. Yeas: (6) Macek, Diehm, Dickinson, Hennes, Bratton and Filipin. Nays: None.

COMMENTS FROM THE PUBLIC.

Pastor Dustin Brinkerhoff ~ I just wanted to share a few things coming up at Victory Baptist Church. February 21st we are holding a men’s prayer breakfast. We try to do this once a quarter. Then we are trying something new this year – we are going to have a spring family conference. We will have a pastor come over from Wichita and he will be speaking to the church and anyone who would like to attend from the community. All the lessons will be focused on the family. We are also looking forward to Vacation Bible School on July 13th – 16th.

Herb Byer (29181 W. 335th St.) ~ I was wondering if there is any information that I could get about the data center? My property borders it and I would like to know about some of the safety concerns.

Herb was given an information packet that should answer some questions. The mayor stated that it is not on the agenda tonight. We are just getting started with the preliminary development agreement. This is not something that is going to happen overnight and there will be plenty of opportunities for all of us to discuss this more.

Brad Hendrickson (29980 W. 335th St.) ~ I spoke with Bret in his office. He told me that everybody around there has to have their address turned into somebody but nobody has to be informed. Are there going to be ground rules like a noise limit? I am next door to this and I am concerned.

The city manager replied that a special use permit would have to be issued. The permit will go through the planning commission and then the city council. There is a requirement in the zoning regulations that a public hearing must be held for the special use permit and that will be published in the newspaper or on the city's website. Ground rules could be a part of the special use permit. If the planning commission deems it to be prudent then restrictions can be placed on that property and on the use of that property to protect both county and city residents. That is something that I would advise the planning commission to do and then the city council.

Kathy McElhinery (29209 Lone Star) ~ A data center worries me. We would like to be a part of the planning. You must inform people what is happening to them well in advance by letter. As a responsible leader of our community, you have a responsibility to lead us to good decisions and we need to make good decisions based on good information. We can't get good information if you do not give it to us.

Jan Sykes (37045 W. 271st St.) ~ Is concerned with the property appraisal of her home in the county and her rental properties.

The mayor replied that she would need to speak to the county appraiser regarding her appraisal values.

Dean Inscore (20925 W. 287th St.) ~ Voters elect these eight members and they hired Bret Glendening to do their dealing and they are going to vote yes for whatever ideas he brings across the table. If you want change then you need to vote differently.

Shannon Bostick (32582 W. 379th St.) ~ When is the data center going to be placed on the agenda? I am against the data center.

Council member Henness replied that the data center was on the agenda in December originally and then the first one in January. Bret Glendening talked about the predevelopment agreement and said that a social media post will be made discussing the proposal overview.

Mike Wyse (39810 Hwy 169) ~ Asked if anyone has visited an existing data center and suggested that they research them.

Unidentified speaker ~ Asked if there have been any health studies completed regarding the data center. She is concerned about long term health impacts. She is also concerned about how the sounds from the data center will impact the patients at the Osawatomie State Hospital.

Polly Inscore (20925 W. 287th St.) ~ Asked questions regarding the pre development agreement, concerns about exceeding water limits and pollution limits and if anyone from the

city council reached out to their constituents to talk to them about it. She discussed what was needed to do a recall.

Shay Hanyak (313 Main St.) ~ I am representing the Osawatomie Chamber of Commerce. She recognized Tammy Filipin for joining and the city for being a supporter of the chamber.

PUBLIC HEARINGS. -None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS

LIBRARY BOARD- REAPPOINT KATHYRN STRUCKOFF (expires January 2029)
TOURISM COMMITTEE (all appointments expire in 2028) – Christle Macek (Lights on the Lake), Grady Atwater (Freedom Festival), Karen LaDuex (Bikes, BBQ & John Brown), Andrew Filipin (At large appointment), Patty Marquez (At large appointment), Jeff Dorsett (At large appointment).

Motion made by Bratton, seconded by Henness to approve all appointments for the Library Board and Tourism Committee as presented. Yeas: All.

UNFINISHED BUSINESS.

RESOLUTION 1346 – APPROVING THE 6TH STREET BUSINESS REHAB PROGRAM - This program was discussed during the budget process last year. We set aside \$50,000 in the Industrial Promotion fund to help pay for beautification or rehabilitation of commercial properties along 6th Street.

We created a similar business assistance program that allowed for businesses to apply for utility reimbursement during the construction of 6th Street, but few businesses took advantage of that program.

Our intent here is to encourage business owners to look at the exterior of their facilities and if there is a sign that needs replaced, a fresh coat of paint that is needed, a new façade that is desired, etc., the business would apply for and make these improvements help improve the entire corridor and hopefully encourage more commerce and improves the value of the property.

The way this is expected to work is the business owner would apply for the program and tell us what they want to do. Assuming it is an approved expenditure the owner would apply for the permit and be issued a building permit (assuming one is required). Any permit fees under this program would be waived.

Once the work is completed and accepted, the owner applies for reimbursement from the city with evidence of expenses incurred. We would then reimburse the owner for 50% of the cost of the project, up to \$5,000. **Motion** made by Henness, seconded by Filipin to approve Resolution 1346 – Establishing a temporary business rehabilitation program for the purpose of aiding businesses to revitalize the 6th Street corridor as presented. Yeas: All

NEW BUSINESS

RESOLUTION 1347 – DECLARATION OF BLIGHT – 507 MAIN STREET - The city council previously made similar declarations of blight for 525 Main and 544 Main as well 820 6th. This resolution would declare 507 Main Street a blighted structure as well and make it eligible for the same CDBG Grant that was just closed out for 525 Main Street.

The scope of what the owner of 507 Main Street wishes to do is to move their home-based business (bakery) from their home to a storefront and expand to include a café (meat and dairy type offerings) style gathering space. The owner would be responsible for the match requirement as well as the costs associated with the architect and grant administration. **Motion** made by Caldwell, seconded by Dickinson to approve Resolution 1347 – Declaring 507 Main Street blighted with respect to the Kansas Small Cities Community Development Block Grant (CDBG) Program as presented. Yeas: All.

RESOLUTION 1348 – AMENDING THE WATER LEAK ADJUSTMENT POLICY– Historically, the city has not adjusted sewer rates when it was discovered that a water leak was occurring AND that leak occurred during the months of December and/or January. This needs to be corrected.

The policy as amended would allow for an adjustment to be made to the customer’s sewer rate when an approved water leak spans the two months that establish the customer’s sewer rate for the year (December and January). **Motion** made by Macek, seconded by Caldwell to approve Resolution 1348 – Amending the City of Osawatomie’s water leak adjustment policy as presented. Yeas: All.

RESOLUTION 1349 – SUSPENDING REVENUE SHARING WITH VICTORY CHEVROLET - On March 14, 2024, the city council approved a development agreement with Victory Chevrolet. In that agreement, the city agreed to share 50% of the general-purpose sales tax dollars generated at the dealership with Victory Chevrolet and Victory agreed to develop the property across 327th. Over the course of the last year and a half, however, staffing has changed at Victory Chevrolet and the number of vehicles on the lot at the dealership has moderated to the point that additional space is no longer needed.

This resolution directs the city manager and city attorney to notify Victory Chevrolet that plans need to be submitted by the end of Q1 2026 or we will suspend the revenue sharing arrangement until such time as plans are submitted. Revenues that would have been shared shall be deposited into a fund until such time as plans are submitted, approved and ground is broken. **Motion** made by Macek, seconded by Filipin to approve Resolution 1349 – Suspending Revenue Sharing with Victory Chevrolet as presented. Yeas: All.

RESOLUTION 1350 – AUTHORIZE REBUILDING OF STORM PUMP FOR LIFT STATION –City staff noticed through our monitoring system that #5 pump in the south lift station was not pumping. Staff pulled the pump and determined it was not plugged, at that time it

was sent in for evaluation to JCI, that evaluation determined that the pump, is repairable. Staff also requested pricing for a replacement pump from JCI and Alliance.

JCI Repair cost	\$40,401.00
JCI New Pump Quote	\$68,535.00
Alliance New Pump Quote	\$53,680.00

Motion made by Henness, seconded by Diehm to approve Resolution 1350 – Authorizing repair of a pump for the south lift station by JCI in the amount of \$40,401.00 as presented. Yeas: All.

CHARTER ORDINANCE ____ - AUTHORIZING THE CITY’S WEBSITE AS AN OFFICIAL PUBLICATION OF THE CITY OF OSAWATOMIE, KANSAS (no action) - Under the Kansas Constitution, cities in Kansas can exempt themselves from non-uniform state statutes and substitute their own rules. Examples of this include statutes on transient guest taxes as well as the state’s liquor laws pertaining to Sunday sales.

Here is what we have spent on advertising (legal and otherwise) for the last 6 years:

Fiscal Year	Legal Notices
2020	\$1,994.45
2021	\$3,933.66
2022	\$5,197.20
2023	\$5,396.02
2024	\$4,802.91
2025	\$5,738.94
TOTAL	\$27,063.18

This charter ordinance exempts the city from naming a publication as its official newspaper and allows us to name our city’s website as the official publication. Many cities across the state of Kansas have done this over the last few years and saved thousands of dollars.

While we cannot eliminate every dollar we spend on legal advertising, we can certainly save a fair amount of money by naming our city’s website as our official publication. Almost everything we are required to publish can be published on our website and eliminate the publication in the newspaper. However, there are certain items that are still required to be published in the newspaper. The notice of budget hearing is probably the most common and obvious one.

In a check of circulation numbers, there are between 2,500-2,800 subscribers, and there are additional newsstand sales of 1,350 to 1,475 depending on week and breaking news. In total, on the low end, the paper sells 3,850 subscriptions a week and 4,275 on the high end.

Miami County’s population is approximately 34,500.

Osawatomie’s population is approximately 4,300.

EXECUTIVE SESSION – None.

COUNCIL REPORTS

Cathy Caldwell ~ I had a few conversations with people in the last few days about the data center. I got frustrated tonight and I do apologize for that. I get frustrated when I get accused of not talking to the people in my ward. I will talk to anyone in my ward individually, together, or however they want to talk but they also must be willing to want to talk also.

Tammy Filipin ~ We are more than happy to talk to someone if they reach out but we also have limitations too. We also have full time jobs.

Dale Bratton ~ I am not sold on the data center yet either. I do not know if it is the best fit for Osawatomie. The numbers sound good but we are at point A and are still researching things.

Derek Henness ~ I feel the same way. I do not want it to be noisy or people's property values to suffer. Those are things we will consider as it gets further along. We are just so early into the process to know yet.

Lawrence Dickinson ~ I have worked a bit around data centers. I have not been around any of the new ones though. The reading that I have done says that the only reason that you would have a hearing issue is if you are on the property and stand right next to the cooling tower when it is operating. They have closed loop systems and they try to be good stewards of the environment and do what they can to offset. They are not going to run a generator unless they need to. I do not know if it is going to be the thing for us but Dale is right the numbers do look good.

Kenny Diehm ~ I do not know enough about data centers so I am not really going to comment on it until I learn more. The Trails Commission has started gearing up and they are getting ready to make a lot of changes at the trailhead.

Dan Macek ~ Since the land has been vacant and has in our possession for 20 years, I think it would be the neighborly thing to notify the county residents about the hearings. A 600,000 square foot facility seems massive but when you put that in the context of 115-116 acre plot it still leaves 100 acres vacant. There should be plenty of room for offsets. I agree we are at step A and it seems that people think we are at step Z.

MAYOR'S REPORT

Nick Hampson ~ We did look at around six buildings in the early rendering that could possibly happen. It is my understanding that we do not have the power and they would be supplying their own. They would have their own generators if needed to back up their data center. We have had the ground for 20 years in hopes of developing it to help with the economic development of the city and the surrounding area. I would rather see a data center there instead of a chicken plant or IBP. There are pros and cons to every business. I do not think that we know

yet on the date center. We are just getting started in this process. We are still working our way through it. There is still a lot of questions from both ends. Data centers are going to continue to pop up and continue to be needed.

I saw framing going up on 5th Street Terrace today. It has been good seeing progress down there.

CITY MANAGER & STAFF REPORTS.

Bret Glendenning ~ Some people were against developing 5th Street Terrace when we first started that conversation and it has turned out to be a positive for our community so far.

We were approached by a chicken processing facility about 6-8 months ago. I did not bring that to council because I knew that the answer would have been a hard no. There would have been adverse side effects like the smell. Are there adverse side effects with data centers? Maybe but a lot of those that have been thrown out on social media can be mitigated through the special use permit. The city council hires the city manager. The city manager hires the staff and we are all here to do what is in the best interest of the City of Osawatomie. We have to be good neighbors but at the same time we have to look out for the residents of this community.

We have applied for the third round of Hawkins Foundation for the Memorial Hall restoration project phase one which would encompass the kitchen and the restrooms.

We applied for a HEAL grant for 510 Main. We did have a site visit earlier this week from the Office of Rural Prosperity. That is the state agency in the Kansas Department of Commerce that awards and administers that grant.

Tomorrow morning, I will be traveling to Topeka to meet with some of the legislators to discuss the Northland legislation. I will be taking this handout to pass out to help alleviate some of the concerns that I have heard from the legislators.

Michele Silsbee ~ The tourism committee still has one opening. Tourism is currently working through updating the event operating procedures. We are hoping to streamline some things and make it a little easier to approve reoccurring events even if they are not signature events.

The trails commission still has quite a few openings. They are starting to work through the master plan that was approved at the end of last year to identify priority projects and to start looking for grant funding.

We had a large amount of rubber mulch that was donated from the school for Anna January Park. We put it around the new playground equipment and we are ordering additional mulch to top that. Hopefully the new playground equipment will be fully open by the end of this month or early next month.

OTHER DISCUSSION/MOTIONS.

Motion made by Bratton, seconded by Macek to adjourn. Yeas: All. The mayor declared the meeting adjourned at 7:39 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk