

Osawatomie, Kansas. **July 13, 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 and Filipin. Council Member Caldwell was absent. 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 Sam Moon and Building Official Keith Myers. Members of the public were: Derek Henness, Dennis Blanton, Brian McCauley, Shay Hanysak, Bradley Wetzal, Hyun Ju Gil, Mary Stephenson and Steve Pepoon.

INVOCATION. – Pastor Hyun Ju Gil, Osawatomie First United Methodist Church

CONSENT AGENDA. Approval of July 13, 2023 Agenda, June 22nd Council Meeting Minutes, Pay Application – BG Consultants – WWTP - \$6,322.00, Pay Application – BG Consultants – KDOT-TA Grant - \$42,840.00, Pay Application – BG Consultants – 2022/2023 Street Design - \$36,864.00, Pay Application – BG Consultants – Water Distribution Project - \$13,900.80, Pay Application – Killough Construction – Brown Ave - \$132,151.89, Special Event Permit – Bikes, BBQ, and John Brown, Register Report 2023-05. **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda with the addition of a Special Event Permit – Third Saturday. Yeas: All

COMMENTS FROM THE PUBLIC.

Mary Stephenson – In my career as a defense attorney, I was reviewing a video that was created by one of your officers while booking one of my clients. As I was watching the video, I was rather shocked to hear the officer tell my client that he should hire another attorney. Why would this officer defame/slander me when he is acting as an employee with the city?

Dennis Blanton – The street light at East Mill and Retan blew down last December. It has been seven months and its dark there at the intersection. Can we get one put back up? There are utility services like Brightspot and AT&T in the alley. There are several of those lines that have tree limbs in them. Can the city ask the providers to trim some of those limbs?

PUBLIC HEARINGS. – None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

APPOINTMENT OF VOTING DELEGATES TO ANNUAL LKM CONFERENCE - The League of Kansas Municipalities will hold their annual business meeting and policy session of city voting delegates on Monday, October 9, 2023. The governing body of each member city may elect city delegates from among the city's officers to represent the city in the conduct and management of the affairs of the League of Kansas Municipalities. Based on the population, we need to elect two voting delegates and two alternate voting delegates. **Motion** made by LaDuex, seconded by Dickinson to appoint Bret Glendening and Kevin Schasteen as the voting delegates and Cathy Caldwell and Sam Moon as the alternate voting delegates. Yeas: All.

UNFINISHED BUSINESS. – none.

NEW BUSINESS.

RESOLUTION 1148 – PLACING A QUESTION TO RENEW THE QUARTER CENT SALES TAX FOR PUBLIC SAFETY ON THE NOVEMBER 2023 BALLOT - In May of 2018, the Governing Body at the time authorized a question to be placed on the primary election ballot later that fall for the voters to decide on a .25% sales tax dedicated for public safety equipment. The revenues from this sales tax have been used to purchase the quint for the fire department as well as municipal court software in Incode for the police department. The special purpose sales tax was authorized by the voters as requested, for a period of 8 years. Legally, these special purpose sales taxes may be authorized for up to 10 years.

The court software was paid off last year. The fire truck will be paid off on October 1, 2026. The original .25% sales tax is scheduled to sunset on 12/31/2026. This resolution puts the question on the November 7, 2023 ballot and asks the voters to approve an extension of the sales tax for public safety equipment through 12/31/2036. This “new” special purpose, public safety sales tax will begin on 1/1/2027. **Motion** made by Dickinson, seconded by LaDuex to approve Resolution 1148 – Authorizing the county election official to place a one-quarter of one percent (.25%) city retailers’ sales tax question on the November 7, 2023 general election ballot as presented. Yeas: All.

ORDINANCE 3830 – ANNEXATION OF CITY OWNED PROPERTY (PFALTZGRAFF LAND) – In May of this year, the city council authorized the purchase of a piece of property that is situated (mostly) adjacent to the original Adair homestead, upon which sat the Adair Cabin prior to its move to John Brown Memorial Park, and that currently has the Ghost Cabin on it. The property was paid for with 75% of the purchase price coming from non-city funds.

Now that the city is the owner of this piece of property, we need to annex it into the city and adjoin it to the existing city property that is currently within city limits. State law provides cities seven methods by which it can adjust its boundaries unilaterally. They are found in K.S.A. 12-520. 12-520(a)(2) is the statutory authority we will utilize. It does not require a resolution of intent, a public hearing, or an extension of services plan as the others do. The only other condition that must be met in order to utilize this authority is the property must join existing city limits. Prior to the changes made by the legislature in 2015, so long as the property in question was owned by the city, that city could annex it, regardless of whether it was contiguous or not to existing city limits. **Motion** made by Dickinson, seconded by Diehm to approve Ordinance 3830 – Annexing that part of Section 09, Township 18, Range 22, Beginning 1,000 feet east and 40 feet north of the Southwest corner of said Section, thence North 192.78 feet, thence Northerly 387.4 feet, thence Northeast 278.6 feet, thence South 513.6 feet, thence West 131.1 feet, thence South 37.2 feet, thence West 100.4 feet, thence South 193 feet, thence West 89.1 feet, to the Point of Beginning, in Osawatomie, Miami County, Kansasland to the City of Osawatomie as presented. Yeas: All.

RESOLUTION 1149 – ADDITION OF DECORATIVE STREET LIGHTS TO 6TH STREET PROJECT– The City is currently in the design phase of 6th Street. Once construction starts staff will need to remove existing street lights. With 6th Street. being a main artery into town staff

intends on replacing existing poles and lights with new decorative poles and lights. City staff received four quotes from the request, the bids were from,

1. Anixter Decorative poles and Fixture \$92,602.80, other material \$31,978.89
2. Graybar Decorative poles and Fixture \$109,639.44, other material \$30,146.82
3. Border States Decorative poles and Fixture \$115,391.52, other material \$28,929.82
4. City Electric Supply - Other material \$29,421.55

Motion made by LaDuex, seconded by Filipin to approve Resolution 1149 – Authorizing the purchase of decorative street light poles from Anixter for \$92,602.80 and wire and equipment from Border States for \$28,929.82 for 6th Street. Yeas: All.

RESOLUTION 1150 – AUTHORIZING CHANGE ORDER #2 TO KILLOUGH CONSTRUCTION CONTRACT – Last month council approved change order #1 which was a combination of adding geogrid to Main Street Terrace and a reduction in contract price due to shortening the amount of construction on Walnut Ave. at 6th Street to minimize the amount of new work that would need to be torn out as a result of next years’ construction on 6th Street. Net change to the contract value was \$7,285.61.

We’ve also discussed in the past that we knew of an additional change order that would need to happen at 4th and Walnut in order to correct the stormwater situation. To summarize that situation, the piping is not stormwater pipe. It appears to be several pieces of whatever pipe was available at the time that were dumped into a cured in place box that was then capped with a metal plate. The proposed solution is the addition of 70’ of precast storm pipe. This pipe is sized properly to accept additional stormwater that would be generated in the future as we continue working on fixing our streets.

The original contract price was: \$1,734,521.07. Change order #1 added \$7,285.61 to the contract value. This change order #2 adds \$13,744 to the contract and barring any unforeseen situations, should be our last change order. **Motion** made by Macek, seconded by Schasteen to approve Resolution 1150 – Authorizing a change to the 2023 Street project to add geogrid and additional AB3 for road stabilization on Main Street Terrace as presented. Yeas: All.

RESOLUTION 1151 – AUTHORIZING LAND LEASE WITH EVERGY FOR SOLAR ARRAY - In October of 2021, the city began discussions with KMEA and Evergy Energy Partners (non-regulated subsidiary of Evergy Kansas Central) about the feasibility of constructing a solar array on city owned property across 335th from the Osawatomie State Hospital. From those discussions, it was determined that partnering with Evergy was a more cost-effective way to diversify our electric portfolio into more renewable energy sources.

The intent was to pool our needs with the needs of other KMEA members, which is what we did, albeit not with as many cities as we initially thought, but at no additional cost to the city or its electric customers. So, in January of 2022, the city entered into a solar development agreement and shortly thereafter in February, we entered into a power purchase agreement (PPA) with Evergy.

Since that time, the council has also approved a resolution to purchase the transformers for the small substation that would need to be built as part of our obligation under the development agreement and PPA. You may remember that our obligation started at the high side of transformer(s) and included any support steel, switches, and other materials. Evergy's obligation ended at the low voltage side of the transformer.

As has been mentioned in almost a year's worth of operations reports now is the execution of the land lease with Evergy, which is what this resolution will do. The clean version of that lease is included as a supplement to this action item. The only changes that we requested to be made was a limitation of Evergy's access to city owned property does not extend beyond the limits of the parcel in question, as well as defining the county and the legal description for the parcel in question. Everything else is standard for a solar array agreement. What I wanted to confirm was in the agreement included a definition of the various sound and shade easements, screening requirements, as well as confirmation that if the city never purchases the array, that at the end of the 35-year lease term, Evergy (including any successors or assignees of the lease) is required to remove the array and restore it to its original condition. Any proposed assignees to the lease agreement must also be approved in writing by the City of Osawatomie prior to any assignment being made. Additionally, all city codes (including vegetation management) must be adhered to for the term of the lease. **Motion** made by Schasteen, seconded by Macek to approve Resolution 1151 – Authorizing the execution of a land lease agreement to purchase power from a 5 MW solar array installed Evergy Kansas Central, Inc. as presented. Yeas: All.

RESOLUTION 1152 – MUNICIPAL INVESTMENT POOL UPDATE - The State of Kansas created the Municipal Investment Pool (MIP) to allow cities to have an alternative to local banks to place excess funds. The City currently has two MIP accounts. One account is a temporary account that we are using for the bond proceeds from the generation project. The second account is an investment account for the general fund. The MIP funds is offering a higher return on our investments and allows us to easily access or transfer the money.

Staff is requesting the approval of a new resolution to reauthorize the MIP and to update the authorized users on the account. **Motion** made by Dickinson, seconded by Macek to approve Resolution 1152 – Consenting to the participation of the City of Osawatomie, Kansas in the Municipal Investment Pool, A Kansas Public Funds Investment Pool; and designating whom is authorized to execute documents and make deposits and withdrawals as presented. Yeas: All.

EXECUTIVE SESSION – none.

COUNCIL REPORTS

Kevin Schasteen ~ I want to highlight one of our officers – Nick Gazzano was attending a funeral for a veteran. In the hot sun and all of his gear Gazzano held a salute during the entire parade procession. The respect that he showed was outstanding. It was a simple act but it was extremely well noticed. Good job.

Dan Macek ~ I want to thank everyone that volunteered for Lights on the Lake event. Tomorrow we will have our follow up meeting and discuss the good, bad and ugly. Thank you for your support.

Karen LaDuex ~ Thanked the council for their support of the annexation. We are doing everything that we can to promote getting our National Historic Park status for our park. I think that this will enhance our chances.

Tammy Filipin ~ We did have a good time at Lights on the Lake.

MAYOR'S REPORT

While it should go without saying, we are entering into the hottest part of the year. I want to thank our crews, specifically public works, parks and utilities, and remind them to stay well hydrated.

Speaking of our public works crews, thank you to everyone involved in patching that bad spot in the bricks at 5th and Pacific.

This weekend is Play Street on Main Street from 9 – 11 for our youth. Thank you to the library for putting this on.

Also, this weekend is the July third Saturday. Come out and enjoy some fun with your neighbors. Thank you to Jeff Dorsett, the volunteers and city staff who help to make this a fun event.

Lastly, we are rapidly nearing the end of our budget season. We've had two resolutions presented to us at the last two council meetings. We've also had meetings with the City Manager and certain department heads regarding each department's budget for 2024. I urge the council to follow up with the city manager if there are any lingering questions on the 2024 budget. I believe Bret will have more on that in his staff report.

CITY MANAGER & STAFF REPORTS.

Bret Glendening introduced the new building official Keith Myers to the council.

5th Street Terrace – Before the 4th of July we sent out letters to all of the property owners within 200 feet notifying them of a public hearing with the planning commission that is taking place on August 1st at 6:30 p.m. in Memorial Hall. The notice was also published into the paper on July 5th. At that time the planning commission will take action and make a recommendation to the City Council. Staff is hoping that the planning commission will recommend favorably the final plat and forward it to the City Council for final approval.

The Victory property is almost to the finish line. KDOT is working on drafting their quit claim deeds relinquishing their interest in the property. We are hoping to have those in the next two weeks.

6th Street – We will have some construction easements that we will need to get still. We will not need to get easements from all of the properties along 6th Street but there will be a handful.

Mid-year evaluations are underway.

With the KDOT alternatives grant, the 6th street project and the water project council has passed a series of resolutions authorizing temporary notes funding for those projects. Yesterday I had a rating call with S&P. It went really well. We should have our rating next week.

July 26 & 27th – I will be in Salina. KMEA is hosting a strategic planning review session. I will be back in time for the council meeting.

Sam Moon – Planning Substantiable Places Oz Commons Phase II - “The Hub” is holding a open house on July 18th from 6 -8 p.m. at the Osawatomie Public Library to discuss the current and future pedestrian connections and what you would like to see for the future of the current Main Street Plaza.

OTHER DISCUSSION/MOTIONS.

Motion made by LaDuex, seconded by Schasteen to adjourn. Yeas: All. The mayor declared the meeting adjourned at 07:25 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk