

Osawatomie, Kansas. **August 10, 2023.** 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, Dickinson, LaDuex and Bratton. Council members Filipin and Caldwell were absent. City Staff present at the meeting were: City Manager Bret Glendening, City Clerk Tammy Seamands, City Attorney Jeff Deane, Utility Director Terry Upshaw and Public Works Director Michele Silsbee. Members of the public were: Bo Gerken and Derek Henness.

**INVOCATION.** – Bo Gerken, Living Proof Church

**CONSENT AGENDA.** Approval of August 10, 2023 Agenda, July 27<sup>th</sup> Council Meeting Minutes, Pay Application – Killough Construction – Brown Ave - \$274,906.72, Pay Application – 18<sup>th</sup>/Main St. Terr/Walnut - \$967,263.90, Special Event Permit – Third Saturdays – August, September, October, Special Event Permit – Homecoming Parade for Osawatomie High School. **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda as presented. Yeas: All

**COMMENTS FROM THE PUBLIC.**

Pastor Bo Gerken – It has been going very well busing youth students on Wednesdays to youth group. We send a 55-passenger bus over to the middle school to pick up the kids and it is usually full. We take them over to youth group, feed them, have a service and then take them back. We are getting ready to break ground on a gymnasium for youth programs. We are hoping to offer this to the communities to use at no cost if they are short a gym to use for their youth programs. We have had a lot of luck reaching kids in the Osawatomie community.

**PUBLIC HEARINGS.** – None.

**PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.** – None.

**UNFINISHED BUSINESS.** – None.

**NEW BUSINESS.**

**ORDINANCE 3831 – FRANCHISE FEE FOR COMMERCIAL REFUSE CUSTOMERS** – In August of 2020, the council adopted Ordinance 3784 establishing a solid waste utility. Shortly thereafter, the city entered into a contract with Waste Management to provide solid waste collection services throughout the city. Residential properties are assessed on the property taxes and waste management bills commercial customers.

Contractually, the intent was for WM to collect a franchise fee on the commercial customers they bill, but that language was inadvertently left out of the contract and they have not been collecting it. This ordinance incorporates authorizing language to incorporate the franchise fees on both residential and non-residential properties alike, and allows WM to collect the fee on behalf of the city and remit that fee. It also subjects the solid waste service provider to audits. **Motion** made

by Dickinson, seconded by LaDuex to approve Ordinance 3831 – Amending Chapter XV. Article 5. Solid Waste Utility of the Code of the City of Osawatomie as presented. Yeas: All.

ORDINANCE 3833 –EXTENDING NRP FOR 10 YEARS – 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 public hearing at least once for two consecutive weeks prior to. Any extension or amendments made to the Neighborhood Revitalization Program must be made by the passage of a new ordinance.

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. **Motion** made by Schasteen, seconded by LaDuex to approve Ordinance 3833 – Extending the current neighborhood revitalization plan for a period of ten years from and after January 1, 2024 as presented. Yeas: All.

RESOLUTION 1155 – ACCEPTING THE ANNUAL ELECTRIC REPORT FOR THE US DEPT. OF ENERGY – Terry Upshaw discussed the report and answered questions regarding the report. **Motion** made by LaDuex, seconded by Dickinson to approve Resolution 1155 – accepting the 2022 Annual Electric Report to the U.S. Department of Energy as submitted by staff as presented. Yeas: All.

ORDINANCE 3834 – ADOPTING BY INCORPORATION THE 2023 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 Schasteen to approve Ordinance 3834 – Regulating traffic within the corporate limits of the City of Osawatomie, Kansas; incorporating by reference the “Standard Traffic Ordinance for Kansas Cities” edition of 2023, 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 3835 - ADOPTING BY INCORPORATION THE 2023 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 Bratton, seconded by Schasteen to approve Ordinance 3835 –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 2023; amending and repealing Chapter 11, Article 2, Section 201 of the City of Osawatomie Municipal Code; and repealing existing provisions as presented. Yeas: All.

**RESOLUTION 1156 - REQUESTING EXTENSION FOR CDBG GRANT AT WWTP -**  
All projects that are funded with CDBG monies must be completed within the initial time frame as described in the application for the grant as well as that grant’s agreement. Due to the ongoing and previously discussed delays to equipment deliveries (see Change Order #1 to this project) our project which is currently scheduled for completion on 2/28, will not be completed by this date.

Please note that this is NOT a change order. It is only a request to one of the funding agencies to extend the window of time we have in order to request reimbursement from the CDBG program that is administered by the Kansas Department of Commerce. **Motion** made by Bratton, seconded by LaDuex to approve Resolution 1156 – Authorizing a request to the Community Development Block Grant Program requesting an extension of time to complete the wastewater treatment plant project for the City of Osawatomie as presented. Yeas: All.

**COMMON CONSUMPTION AREAS – 500 BLOCK OF MAIN AND TRAIL HEAD – INTEREST?** – Michele Silsbee discussed the difference between creating a common consumption area(s) verses passing a resolution and obtaining a permit from the state for each special event that wants allow alcohol in those areas.

No action was taken on this item.

**OFFER TO PURCHASE TWO LOTS IN HICKORY VALLEY** – There has been an offer by an individual to purchase two lots in Hickory Valley. These two lots do not have full street access and do not have utilities extended to them as of yet. Given the number of projects we have currently and the importance of developing Hickory Valley out in a planned manner and not randomly, it is staff’s recommendation that we pause any sale of platted lots in the Hickory Valley subdivision until such time as the infrastructure can be designed and permitted and a financing plan put into place.

No action was taken no this item.

**EXECUTIVE SESSION** – **Motion** made by Dickinson, seconded by LaDuex that the City Council recess into closed, executive session for the purpose of discussing personnel matters of nonelected personnel pursuant to the exception K.S.A. 75-4319 (b)(1). The closed meeting will last 10 minutes and will resume here in Memorial Hall at 7:45 p.m. Also attending will be City Manager Bret Glendening, City Clerk Tammy Seamands and City Attorney Jeff Deane. Yeas: All.

The council meeting resumed to open session at 7:45 p.m. with no action taken

## **COUNCIL REPORTS**

Kevin Schasteen ~ Thanks to the public works department glad to see that there is progress going down Brown St now.

Lawrence Dickinson ~ Thank you to public works for fixing the sidewalk that had buckled in front of my house.

Dale Bratton ~ We cleaned up limbs after the storm. How many complaints did we have about torn up yards? I'm glad to see that we did this.

## **MAYOR'S REPORT**

Congratulations to Teri Auten on her receiving a \$250,000 CDBG Grant for commercial rehabilitation at 525 Main. It will aid her in the rehabilitation of this building and is the second CDBG grant we've received for our downtown.

Kirk and Sheila Wright continue to move forward on the work at their buildings at 538 – 544 Main. They have been awarded two grants. One CDBG grant and one HEAL Grant.

Thank you to the public works and electric crews for working to restore electricity to the community as well as assist citizens with debris cleanup. These are the things that help a community come together.

Also, I've noticed that the charging stations have started going up around town. Thank you to the electric crew for that as well.

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

Bret Glendening - Mike Scanlon and I met with the planning commission and had the public hearing for 10 acres. There were 5-6 people show up to ask questions. We have put those questions together with answers and put those into a document that we will distribute. The end result of the planning commission was 2-for and 2-against. The two that voted against it wanted answers to the questions.

We will have the RNR hearing at the next council meeting followed by the budget hearing.

Michele Silsbee – Terry and I put together a report showing the cost of the storm response.

We will be burning the brush at the forestry site tomorrow

Main Street Terrace and 18<sup>th</sup> Street will get its last lift of asphalt tomorrow. Walnut is getting its last set of concrete tomorrow. Brown Street was milled yesterday and today.

We opened up Main Street at 10<sup>th</sup> and removed the pipe that was there and then found that a 30" pipe will not fit. It is too big for the box on the north side of the street. We called BG about this and they also found a similar situation at 8<sup>th</sup> street. BG has provided us with a redesign of 10<sup>th</sup>

