

Osawatomie, Kansas. **September 14, 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 and Assistant to the City Manager Samantha Moon. Members of the public were: Chris Carey, Ryan Rogers, Renee Slinkard, Wayne Ova, Brian McCauley, Lindsay Freeman, Kevin McGinnis, Derek Henness and Shay Hanysak.

INVOCATION. – Pastor Wayne Ova, Faith Baptist Church

CONSENT AGENDA. Approval of September 14, 2023 Agenda, August 24th Council Meeting Minutes, Pay Application – Killough Construction – Main St. Terr/18th/Walnut - \$114,700.27, Pay Application – Killough Construction – Brown Avenue - \$260,101.33, Pay Application – BG Consultants – WWTP Improvements - \$9,055.31, Pay Application –BG Consultants – Water Distribution (6th Street) Improvements - \$7,533.00, Pay Application – John Brown & Levee Loop KDOT/TA - \$6,533.00, Pay Application – BG Consultants – 2022/2023 Street Improvements - \$23,388.00. **Motion** made by LaDuex, seconded by Dickinson to approve the consent agenda as presented. Yeas: All

COMMENTS FROM THE PUBLIC.

Pastor Wayne Ova – We have been working with John Wastlund. He heads up a grief comfort support group to help those that have suffered loss. We have had some sessions at our church a couple of months ago and it seemed beneficial to those that attended.

Ryan Rogers –We live at 1801 Brown and my wife and I are looking at building a new house on our property. We have 11 ½ acres. We also own the two lots to the east of that property that is located in Hickory Valley Subdivision. We would like to build a driveway off of Brown through those two properties in Hickory Valley to access the new house. There is currently nothing in the zoning regulations that would allow that. We are hoping that the city council would approve this change.

PUBLIC HEARINGS. -None.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

CONSTITUTION WEEK – Renee Slinkard with Daughters of the American Revolution gave a brief history on how constitution week came about. LaDuex read the proclamation. **Motion** made by Dickinson, seconded by LaDuex to accept the Proclamation setting September 17th through September 23, 2023 as Constitution Week as presented. Yeas: All.

UNFINISHED BUSINESS.

RESOLUTION 1164 – APPROVING SPECIAL USE PERMIT – EVERGY SOLAR ARRAY– The city’s zoning regulations require that an application be made that contains certain pieces of information advertisement be made at least 20 days in advance of a public hearing, the public hearing be held, and the planning commission make a recommendation on whether to issue or not issue the special use permit.

Each of these steps has been followed. No one appeared to speak for or against the construction of the solar array and the planning commission voted unanimously to recommend approval. While the planning commission did not recommend any conditions be placed on the facility, there are a handful of basics that should be noted and they are:

1. The facility shall be screened or fenced to prevent unauthorized access to the facility;
2. The facility shall be constructed and operated in conformance with city code;
3. The footprint of the facility may be expanded and additional panels added as demand warrants;
4. The special use permit is transferrable to another utility or the City of Osawatomie;
5. In the event a storage component is desired in the future, application for a revision to the special use permit shall be made and approved as required by city code;

Motion made by Macek, seconded by Bratton to approve Resolution 1164 – Issuing a special use permit to Evergy Kansas Central for the construction and operation of a 5-mw solar array on Parcel ID #1473500002010000 as presented. Yeas: All.

RESOLUTION 1165 – APPROVING SPECIAL USE PERMIT – ECHO HOUSING AT 306/308 WALNUT – The city’s zoning regulations require that an application be made, that contains certain pieces of information be provided, that advertisement be made at least 20 days in advance of a public hearing, the public hearing be held, and the planning commission make a recommendation on whether to issue or not issue the special use permit.

Each of these steps has been followed. No one appeared to speak for or against the application for echo housing.

There are a handful of restrictions that the zoning regulations require be attached if the special use permit is to be issued. They are:

1. The secondary residential dwelling shall be for dependent members of the family residing in the principal dwelling;
2. Nonconforming lots shall be re-platted to conform to current subdivision regulations;
3. The secondary residential dwelling shall be located in the established rear yard no less than ten (10) feet from the rear lot line and in conformance to side yard setbacks;
4. Where dwellings are held in separate fee simple ownership, easements shall be dedicated for separate utility connections;
5. The architectural style of the secondary dwelling structure shall echo the architectural style and materials of the principal structure, to which it shall be subordinate in height and bulk;
6. Lot coverage shall not exceed seventy five percent (75%) of the buildable lot area;

7. All structures shall meet or be brought up to current building code requirements;
8. A maximum of one off-street, parking space with direct access to a public street via the existing driveway shall be provided for the secondary residence, which space may be located in the established front yard of the principal structure. **Motion** made by Bratton, seconded by Caldwell to approve Resolution 1165 – Issuing a special use permit for echo housing at 306/308 walnut as presented. Yeas: All.

RESOLUTION 1166 – APPROVING FINAL PLAT – 5TH STREET TERRACE SUBDIVISION (10 ACRES) The purchase of 10 acres began roughly in September/October of 2021. Once the purchase was completed, the city entered into a predevelopment agreement with Wright Way Homes. That agreement was extended in March of 2023 for 180 days.

Also beginning in March, the city engaged Lamp Rynearson to engineer the public improvements and to assist with the surveying and platting process.

The culmination of all this work is contained in Resolution 1166 which approves the final plat, accepts the dedication of land to the city for public purposes, authorizes the mayor to sign the final plat and directs the city manager to file the final plat once all the signatures are obtained from the requisite parties. **Motion** made by Macek, seconded by Bratton to approve Resolution 1166 – Approving the final plat for 5th Street Terrace, accepting the dedication of public space(s), authorizing the mayor to sign the Final Plat, and directing the city manager to file the final plat with the register of deeds for Miami County as presented. Yeas: All.

NEW BUSINESS.

RESOLUTION 1162 – APPROVING GRANT AGREEMENT 23-CR005 FOR 525 MAIN STREET – This resolution allows the city to work as a conduit for the financing of \$250,000 in CDBG improvements for the properties located at 525 Main Street. **Motion** made by Schasteen, seconded by Filipin to approve Resolution 1162 – Authorizing grant agreement no. 23-CR-005 between the State of Kansas Department of Commerce and the City of Osawatomie for the renovation of commercial property owned by Rockwall Properties LLC (successors and assigns) located at 525 Main Street as presented. Yeas: All.

RESOLUTION 1163 – DESIGNATING DORMANT CIP FUND FOR USE BY THE ARTS COMMISSION – The fund proposed for use by the arts commission is the “CIP General” fund. It was last actively used by the Fire Dept. to complete the remodel of the fire station in 2021 and the city has other funds that this last project could have used to account for the project’s expenditures.

Additionally, the new Public Arts Fund would become active on January 1, 2024, but the arts commission could begin fundraising upon this resolution’s passage. **Motion** made by LaDuex, seconded by Schasteen to approve Resolution 1163 – Designating a dormant CIP fund for use by the City Arts Commission as presented. Yeas: All.

RESOLUTION 1167 – AUTHORIZING ELECTRICAL EQUIPMENT FOR SOLAR ARRAY & INVENTORY – the city is has committed to provide the substation to get power generated from the solar array onto the City’s distribution system. The city must install reclosers (protective devices), and other equipment to control and meter the energy produced by the solar array.

City staff received four quotes from the request, the bids were from:

1. Anixter Reclosers \$57,970, PT CT \$10,980.10.
2. Graybar Reclosers \$53,859.97 PT CT \$14,361.86, utility poles \$23,244.92
3. Border States Reclosers \$62,010.98 PT CT \$9,569.68, utility poles \$24,666.40
4. Bridge well Utility poles \$24,884.00

Motion made by Dickinson, seconded by Filipin to approve Resolution 1167 – Authorizing the purchase of poles from Graybar in the amount of \$23,244.92, reclosers from Graybar in the amount of \$53,859.97 and CTs, PTs and mounting bracket from Border States in the amount of \$9,569.68 as presented. Yeas: All.

RESOLUTION 1168 – AUTHORIZING CHANGE ORDER #1 BROWN AVENUE - In previous meetings with the council, we have discussed the issues that have been encountered crossing Main Street to size the storm water system appropriately. To get across Main at 10th, the cost was approximately \$8,500.

To get across Main at 8th and across 8th however, that cost is approximately \$38,000. We’ve also discussed previously who will be paying for this additional cost and what that number looks like. BG Consultants have agreed to pay \$30,000. **Motion** made by Schasteen, seconded by Macek to approve Resolution 1168 – Authorizing a change to the 2023 Brown Avenue Project to modify original stormwater design across Main Street at 10th and 8th as presented. Yeas: All.

RESOLUTION 1169 – AUTHORIZING MAYOR TO EXECUTE PREDEVELOPMENT AGREEMENT – Alcove Development LLC is contemplating the purchase of the property at 1009 Pacific to be redeveloped as a set of residential units. A Predevelopment Agreement would authorize the City to work with Alcove Development LLC in redeveloping this property, commonly known as “Old Swenson School.” **Motion** made by LaDuex, seconded by Schasteen to approve Resolution 1169 – Authorizing the City Council to enter into a predevelopment agreement for the redevelopment of the property located at 1009 Pacific with Alcove Development, LLC as presented. Yeas: All.

RESOLUTION 1170 – DIRECTING STAFF AND PLANNING COMMISSION TO REORGANIZE PLANNING COMMISSION - As the Planning Commission begins the process of an update to the following documents:

- Future Land Use Map
- Comprehensive Plan
- Zoning Regulations

- Subdivision Regulations

Staff believes it's important to increase the number of Planning Commissioner to help with the work. Additionally, staff believes – as is seen in most cities – that the Planning Commission should mirror the number of City Councilmembers that are elected. It's likely that in the past decades, because of a lack of citizen participation, the number of planning commissioners has been whittled down over time. We believe a large more diverse body would be extremely helpful as we tackle the future planning of our city. **Motion** made by Bratton, seconded by Filipin to approve Resolution 1170 – Directing the City Manager to work with the planning commission members in establishing an increased membership on the Osawatomie Planning Commission as presented. Yeas: All.

EXECUTIVE SESSION – None.

COUNCIL REPORTS

Dale Bratton ~ Freedom Festival is this Saturday and Sunday. The benches out front of Memorial Hall looks nice. Thank you, Kevin Schasteen.

Lawrence Dickinson ~ The Ministerial Alliance will be sponsoring the community Thanksgiving dinner on November 19th at the City Auditorium.

Kevin Schasteen ~ It is crazy living on Brown right now but the crews are doing a great job.

MAYOR'S REPORT

Third Saturday is this weekend.

Sharice Davids will be here on the 23rd for the Pottawatomie Trail of Death luncheon.

There is progress everywhere in Osawatomie.

Trojan Booster Club that is being developed.

CITY MANAGER & STAFF REPORTS.

Bret Glendening – We receive a signed consent for annexation from KDOT so at the next council meeting we will have an ordinance on the agenda for annexation.

Sam Moon ~ The cabin roof has been replaced by the state and hopefully the HVAC will get replaced next. They also had a contractor come down to look at the windows.

Mike Scanlon ~ We are working on a number of grants.

OTHER DISCUSSION/MOTIONS.

Motion made by LaDuex, seconded by Bratton to adjourn. Yeas: All. The mayor declared the meeting adjourned at 08:39 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk