

Osawatomie, Kansas. **October 9, 2014.** The Council meeting was held in Memorial Hall. Mayor Govea called the meeting to order at 6:32 p.m. Council members present were Farley, Hampson, Hunter, LaDuex, Maichel and Wright. Absent was Dickinson and Walmann. Also present were City Manager Cawby, City Attorney Wetzler and City Clerk Elmquist. Visitors were Shelagh Wright, Garrett Nordstrom, Gabe Pfeffercorn, Blake Madden, Ken Tyson, Dan Macek and Colleen Truelson.

INVOCATION. Interim Pastor Ken Tyson, Vineyard of Hope.

CONSENT AGENDA. Approval of October 9 Agenda, approval of the minutes of September 11 and September 25 Council Meetings, approval of Appropriation Ordinance 2014-9 and approval of WWTP Improvements Project Pay App 4. **Motion** made by LaDuex, seconded by Hunter to approve the Consent Agenda as presented. Yeas: All.

Presentations, Comments from the Public:

Pastor Ken Tyson, has served as interim for 3½ years. Sunday he will be installed as their full-time pastor. He began his ministry helping eight substance abusers recover. Now the ministry for substance abusers is at a 141 recovery rate. There are several other outreach things they do at the church.

SHELTER HOUSE CHIMNEYS. PW Director Blake Madden thought that the chimneys needed to come down. Gabe Pfeffercorn, Pfeffercorn & Baldrige Engineering, was asked to look at the structure. He know it needs to be addressed but being historic it is a sensitive issue. The structure is in good shape except the chimneys are splitting and falling apart. Depending on what is done it will cost between \$5,000 to \$10,000. The options are: 1) take the chimneys down, 2) fill them in using volunteers or 3) complete restoration. There was discussion about how far to take the chimneys down.. Pfeffercorn recommended the most economical option would be to take down the chimneys and put on a wood roof to keep the historical value in the future. The immediate need is the roof has to be put on. Dan Macek says the Rotary Club has the money to do the option of taking the chimneys down and putting the roof on. Pfeffercorn said making the chimneys functional is not an option. Then they need to be filled in or taken down. Motion made by Hampson, seconded by Maichel to take the chimneys down to roof level so they are out of the way of putting the roof up. Yeas: All. The roof will be made of steel with regular wooden trusses.

Public Hearings:

CONSIDERATION OF CDBG GRANT APPLICATION FOR OSAWATOMIE MAIN STREET IMPROVEMENTS – PHASE 1. Mayor Govea opened the hearing at 7:09 p.m. The project will cost \$1.1 million. The grant application will request \$400,000. The deadline to file for the grant is November 3. There were no comments from the public. The hearing was closed at 7:11 p.m.

Unfinished Business:

RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR CDBG GRANT AND AUTHORIZE MAYOR TO SIGN ALL NECESSARY DOCUMENTS. At the June 12 City Council meeting Resolution No. 682 was approved setting a hearing for the August 14 meeting. Since the hearing date was missed, another resolution setting a new hearing date needs to be approved. **Motion** made by LaDuex, seconded by Dickinson to approve the resolution resetting the hearing of the seven condemnations to the November 13 Council meeting. Yeas: All. The Resolution was assigned No. 686.

RESOLUTION ASSURING OPERATION AND MAINTENANCE OF IMPROVEMENTS. **Motion** made by Maichel, seconded by Hunter to approve to approve the Resolution. Yeas: All. The Resolution was assigned No. 687.

RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN. **Motion** made by Hunter, seconded by Maichel to authorize the Mayor to sign the plan. Yeas: All.

WASTE WATER TREATMENT PLANT PROJECT – CHANGE ORDER NO. 2. The

increase of \$735.73 to the contract is to fix a design flaw at the plant. The stop gate style will change and BG Consultants will reduce their bill by the amount of the change order. **Motion** made by LaDuex, seconded by Hunter to approve the change order for an additional \$735.73. Yeas: All.

WASTE WATER TREATMENT PLANT PROJECT – CHANGE ORDER NO. 3A. The increase of \$4,615.28 to the contract is due to the additional cost of aluminum covers over the Parshall flume. The change in the contract price including Change order No. 2 and 3A is \$632,473.79 **Motion** made by LaDuex, seconded by Hunter to approve the change order for an additional \$4,615.28. Yeas: All.

New Business:

APPOINTMENTS: none

WEAPONS REGULATION PREEMPTION. The passage of Resolution 676 exempts the City from HB 2052 on open carry of firearms in public buildings. The Legislature has amended the law with HB 2578 which affects local government operations in several ways. First, cities are prohibited from requiring disclosure by municipal employees who possess concealed carry of handgun licenses. Municipalities cannot terminate, demote, discipline, or otherwise discriminate against an employee based on the employee's refusal to disclose the employee's status as a concealed carry license holder. Second, there are new posting requirements for buildings where the open carrying of firearms can be prohibited. It is a violation of the statute to carry an unconcealed firearm into a building that was conspicuously posted. Third, cities are permitted to adopt a resolution pursuant to the law pertaining to concealed handguns in public buildings relative to the personnel policies governing concealed carry of handguns by city employees, so long as in compliance with this law. The only exceptions to this policy will be: 1) police officers, security guards or other persons who have been given consent by the City Manager to carry a weapon on the property; 2) carrying of a device or tool provided by the City to an employee for the purpose of performing their job duties, which if such device or tool was not provided by the City, might otherwise be considered a weapon; and 3) keeping a legally possessed weapon in a lawful manner in a personal vehicle that is parked on City property. Nothing in this policy shall be construed to create any duty or obligation on the part of the City to take any actions beyond those required of an employer by existing law. **Motion** made by LaDuex, seconded by Wright to authorized the City Attorney and City Clerk to draft a resolution which amends Resolution 676 to include open carry of firearms Yeas: All. **Motion** made by LaDuex, seconded by Farley to amend the City's Personnel Policies to include the following: "The City prohibits all employees who enter City property from carrying a handgun, firearm, knife with blade in excess of four (4) inches in length, or other prohibited weapon of any kind, regardless of whether the person is licensed to carry the weapon or not. Any employee disregarding this policy will be subject to immediate termination and possible prosecution by the City." Yeas: All.

PURCHASE OF CRACK SEALING MACHINE. Two bids were received for the purchase of a new crack sealing machine.

Logan Contractors Supply, Inc.	Cimline 150DH	\$40,400.00
Paving Maintenance Supply Inc.	Crafco SS 125	\$38,575.00
	Crafco SS 125DC	\$51,435.00

Staff is recommending the Crafco SS 125 Melter for \$38,575. Staff used the Crafco machine which was borrowed from the City of Ottawa. Funding for the machine will come out of the savings from not doing chip sealing this year. The use of the machine will provide more value for the longevity of streets than will chip sealing. **Motion** made by LaDuex, seconded by Hunter to approve the purchase of the Crafco SS 125 for \$38,575.00. Yeas: All.

Council Reports:

Hampson: The Parks & Recreation Committee's fall sports are finishing up. There was good representation. The Committee is getting ready for the winter sports.

Maichel: Said that Hampson is one of the new Chamber of Commerce board members.

Mayor's Report:

He was asked to lead a round table discussion on chickens and farm animals at the LKM's annual conference in October along with the animal control officer from Newton and someone from the Humane Society.

The LKM

City Manager's Report:

Cash Flow Report. Informed the Council the reason there is a negative amount in the CIP-Sewer Fund is that the City has to pay the contractor and then KDHE reimburses the City.

Sports Complex concession stand and Police Station sally port. Did an RFQ to see the interest and then do the designs with the contractor.

5th Street Waterline. The work is not going as quickly as they thought. They've had to deal with abandoned water lines and the rain.

Street Patching. Work is being done where the water leaks have occurred.

Meter Reader/Nuisances Officer. Kyle Glaser has started work. He is learning the meter reading. Also, he's learning about nuisances from the Police Department's former nuisances officer.

Power Supply Task Force. A meeting is scheduled for October 31.

Planning Commission. A meeting is scheduled at the end of the month. They are also dealing with a vacancy.

Interim Public Works Director/Assistant City Manager. With the new Public Works Director on board Andy Haney has been working on projects for City Manager Cawby. Haney put together a draft of the personnel regulations with City Manager Cawby's direction. They have been meeting with an employee committee to review. An RFP for operation of the Golf Course was desired by the Golf Course Committee. They want to know if there really is a desire out there for someone to lease the Golf Course. By the end of the month Haney will be transitioning out. He may be asked for assistance on a task in the future.

EXECUTIVE SESSION – CONSULTATION WITH CITY ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP. At 7:42 p.m. **motion** was made by LaDuex, seconded by Farley to recess into executive session for the purpose of consultation with City Attorney which would be deemed privileged in the attorney-client relationship, with City Manager Cawby and City Attorney Wetzler present; and that the Council will reconvene the open meeting in this room at 7:53 p.m. Yeas: All. Meeting reconvened at 7:53 p.m. No action taken.

OTHER DISCUSSION/MOTIONS: none

At 7:54 p.m. **motion** was made by Hunter, seconded by LaDuex to adjourn. Yeas: All.

/s/ Ann Elmquist
Ann Elmquist, City Clerk