

Osawatomie, Kansas. **April 22, 2021.** The Council Meeting was held at the Municipal Auditorium located at 439 Main Street. Mayor L. Mark Govea called the meeting to order at 6:30 p.m. Council members present were Wright, Macek, LaDuex, Dickinson, Diehm, Hampson and Caldwell. Council member Walmann arrived at 7:26 p.m. City Staff present at the meeting were City Manager Mike Scanlon, City Clerk Tammy Seamands, Assistant to the City Manager Sam Moon, Chief Building Official Ed Beaudry, Police Chief David Stuteville, Assistant Police Chief William Bradshaw and Nuisance Officer David Ellis. Members of the public were: Doug Carder, Phillip Reavis, Joy Reavis, Donna Koontz, Dale Koontz, Daniel West, Kari Bradley, Teresa Seichepine, Roy Seichepine,, Doug Hensley, Nancy Tyrrell, Doug Tyrrell, Steve Benner, Bob Kovar, Owen Waddle, Sudawn Bradley, Sarah Dorsett, Virginia Adams, Keith Adams, Dianne Crowl, Father Barry Clayton and Shay Hanyasak.

INVOCATION. Father Barry Clayton, St. Philip Neri

CONSENT AGENDA. Approval of May 22nd Agenda; April 8th Council Minutes, Pay Application – BG Consultants - \$16,380.00 – WWTP, Pay Application – Triangle Builders - \$44,120.00 – Trail, 03-2021 Register Report, Special Event Permit – Lights on the Lake, Special Use Permit – May Day Market, and Special Use Permit – American Legion 5K. **Motion** made by LaDuex, seconded by Dickinson to Approve the Consent Agenda as presented. Yeas: All.

COMMENTS FROM THE PUBLIC.

Father Barry Clayton – Just before Easter several churches gathered together online to make a video prayer service for Good Friday for the community. They were very please how that turned out. Knights of Columbus had a drive through fish fry this year and it went very well.

Steve Benner – feels like they were discriminated against last year when the City posted about the food trucks on the utility bills. Benner asked how much is the annual fees for the food trucks and if they pay utilities or property tax. Benner said the food trucks are not investing any money into the community.

Doug Hensley – does property management in town and handman services. Hensley is here tonight on behalf of a client they have been helping out. The client had sewage back up into their basement on Main Street. The client has to clean up the mess and pay for the damages out of their own pocket. When the line was snaked there was grease and paper towels that came out of the line. Hensley is requesting that the restaurants on Main Street and other locations put in grease traps. Their client also needs to put in a back flow device.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS

ARBOR DAY PROCLAMATION – Karen LaDuex read the proclamation. **Motion** made by Dickinson, seconded by Diehm to accept the Arbor Day 2021 Proclamation as presented. Yeas: All.

LIBRARY BOARD OF TRUSTEES RE-APPOINTMENTS – **Motion** made by LaDuex, seconded by Wright to approve the re-appointments of Connie Herbert and Tammy Filipin to serve on the Library Board of Trustees. Yeas: All.

PUBLIC HEARINGS. – None.

UNFINISHED BUSINESS. – None.

NEW BUSINESS.

RESOLUTION 865 – NEW BUILDING INCENTIVES FOR 2021 – Chief Building Official Ed Beaudry presented Resolution 865 which amends Resolution 820 for the purpose of enticing the building of homes in Osawatomie. **Motion** made by Macek, seconded by Hampson to approve Resolution 865 – Amending Resolution No. 820 by repealing portions of said resolution to amend to the program section of the new housing construction incentive program as presented. Yeas: All. Wright abstained due to conflict of interest.

RESOLUTION 866 –SALE OF CITY PROPERTY. Chief Building Official Ed Beaudry presented Resolution 866 Authorizing the sale of Lot 26 of Hickory Valley No. 2. They buyer will build a single-family residence on the property. **Motion** made by Hampson, seconded by Macek to approve Resolution 866 – Authorizing the City to enter into a contract sale of Lot 26 of Hickory Valley No. 2, subject to certain contingencies as presented. Yeas: All.

RESOLUTION 867 –2021 UTILITY RATE STUDY (WATER, WASTEWATER, ELECTRICITY) – City Manager Mike Scanlon presented Resolution 867 to direct staff to finalize an agreement to complete a utility rate study. **Motion** made by LaDuex, seconded by Dickinson to approve Resolution 867 – Directing staff to finalize an agreement with Ehlers and Associates for a utility rate study as presented. Yeas: All.

RESOLUTION 868 –ANNUAL FEE RESOLUTION – City Clerk Tammy Seamands presented the proposed changes in the annual fee resolution. The proposed utility rate changes would take effect on the bill that is received by the customers around June 1, 2021. All other changes would take effect on May 1, 2021. **Motion** made by LaDuex, seconded by Wright to approve Resolution 868 – Revising the annual fee resolution No. 771 as presented. Yeas: All. Wright abstained due to conflict of interest.

RESOLUTION 869 –RENTAL PROPERTY REGULATIONS INCLUDING RENTAL INSPECTIONS AND LICENSING – City Manager Mike Scanlon reminded council that last year they held a series of public meetings regarding the idea of a rental inspection and licensing program. With the landlords help this program will help to maintain the community. A Committee of Landlords was organized six months ago to help develop this program. Scanlon has not received any information back from the committee. The public was given the opportunity to speak:

Keith and Virginia Adams- They saw an opportunity to develop a workable plan for the City and local landlords to work together to make the community better and stronger. Adams had resigned as a committee leader and apologized to the City Leaders and the Committee of Landlords

for their failure to see this task through. They would request a little more time to finish the work that the Committee of Landlords had started.

Doug Hensley is the Vice Chairman of the Committee of Landlords. There are some good points but in an email that was sent to Keith Adams the Committee was given until June 1, 2021 to make a proposal to the City. Hensley agrees that the City should continue writing nuisance violations that are found. They request that the Committee of Landlords are given until May 27, 2021 to present their proposal.

Phillip Reavis – his wife Joy Reavis is part of the Committee of Landlords. The reason that the Committee did not come and talk to City Manager Scanlon is because they were unsure who could legally talk to the City Manager. They do have some plans put together.

Motion made by LaDuex, seconded by Dickinson to postpone consideration of Resolution 869 – Directing staff to prepare and produce a series of rental property regulations including rental inspections and licensing until after the Committee of Landlords present their proposal on May 27, 2021. Yeas: All.

ORDINANCE 3795 – REPEALING ORDINANCE NO. 3783 (“MASK ORDINANCE”) – City Manager Mike Scanlon- there has been so much discussion on the Covid-19 and for as much as we know about it there is still more that we don’t know. Scanlon’s job is to protect the health and welfare of the public. Every voice is important in the conversation. The largest employer outside of the State is the school. If this Ordinance passes tonight, it will become effective next Wednesday. If the Council waits to pass it May 13th, the Ordinance becomes effective the day school lets out. Scanlon will always default to protecting the public. The public was given the opportunity to speak:

Kari Bradley, Osawatomie Chamber of Commerce – had face to face conversations with 35 Osawatomie businesses. Out of those, 27 would like to see the mandate lifted. The school will enforce the mask mandate until the end of the school year even if the City repeals it.

Steve Benner and Bob Kovar – Masks have been required since July. There is a controversy against the science. The last death was six weeks ago. They passed out studies regarding the wearing of masks. We are not saying masks are not effective but its time to lift the mandate – it’s a freedom issue. Without the mandate, individuals can wear masks if they choose to.

Sarah Dorsett – Appreciate that Council passed the mask mandate. This is a public health issue. Dorsett is glad that the Council is revisiting the mask mandate but is sad to see that the community did not embrace this. They were able to keep the schools open. Dorsett wonders what each council member is going to vote and why. The data shows that masking and distancing reduces the spread and is the best practice.

Motion made by Hampson, seconded by Wright to approve Ordinance 3795 – Repealing Ordinance Number 3783 of the City of Osawatomie, Kansas. Yeas: (4) Wright, Macek, Hampson, Caldwell. Nays: (4) Walmann, LaDuex, Dickinson, Diehm. Mark Govea casted the tie breaking

vote of Nay making the final vote Yeas: 4 Nays: 5 – Motion failed. Bob Kovar asked if there was an Ordinance that had been passed to allow the Mayor to vote on an Ordinance. Scanlon replied that if there wasn't they could call a special meeting to revote on the Ordinance.

COUNCIL REPORTS.

Lawrence Dickinson ~ There is a lot of things going on this weekend. There is the soap box derby – the police chief and mayor will be racing, a microchip clinic in the auditorium and tree plantings for Arbor Day on May 1st.

Jeff Walmann ~ the bridge has been put in place and the kiosk is almost finished. There will be a monument sign on twelfth street soon. They are working on getting water to the trailhead and the bathrooms are being constructed.

Dan Macek ~ The 2021 Lights on the Lake was listed in the Kansas magazine. This is the 3rd Lights on the Lake that combined the Jamboree and the July 4th fireworks. The event will take place June 25 – 27th. The parade will be on Friday the 25th, a 5K run on Saturday the 26th along with the main event with the concert, main event and fireworks and on Sunday the 27th they will have the fishing derby. In 2019, there was 1,000 cars entering the lake area. This year they are hiring a parking company to help direct parking and are doing a suggested donation of \$20 per car. They are renting some ATV/UTV's to carry people, chairs and coolers from the parking area to around the lake to where they want to sit. They are getting a large generator and air conditioner for the large tent to use for the VIP dinner. The biggest thing they have going on is to get more people to attend is adding a drawing. As people come into the lake, they will be given two free tickets with their information packet and then they can also purchase tickets. The drawing will be for a Chiefs Superbowl LIV football autographed by Patrick Mahomes. Any volunteers would be appreciated.

MAYOR'S REPORT – Thanks to Mr. Macek and his committee for getting us into the Kansas magazine.

Thanks to Ashley Kobe, Sam Moon and Tammy Seamands for continuing the transition to Paychex-payroll system.

Thanks to Chris Cardwell with Miami County Conservation and Tammy Seamands that is working on the Arbor Day plantings and the planting of native prairie grass plugs and has also identified funds to help.

In the last six-months Dave Ellis has issued 2019 45-day notices for IMPC violations. Ed Beaudry has issued 65 building permits in 2021 and 14 of those relate to property code violations we're getting cleaned up. Thank you for all your efforts.

CITY MANAGER & STAFF REPORTS. – to avoid the need of a special meeting regarding the vote on the mask mandate repeal ordinance 3795, Scanlon has the 2021 League of Kansas City Officials Manual. As it relates to ordinary ordinances: in voting on ordinary ordinances in any class of council cities (first, second or third class) where the number of favorable

votes is one less than required, the mayor may cast the deciding vote in favor of the ordinance. If the Mayor did not vote tonight the Ordinance would have still failed.

EXECUTIVE SESSION. - None

OTHER DISCUSSION/MOTIONS.

Motion made by LaDuex, seconded by Dickinson to adjourn. Yeas: All. Mayor declared the meeting adjourned at 7:58 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk