

Osawatomie, Kansas. **June 10, 2021.** The Council Meeting was held at Memorial Hall located at 411 11<sup>th</sup> Street. Mayor Pro Tempore Karen LaDuex called the meeting to order at 6:30 p.m. Council members present were LaDuex, Macek, Dickinson, Diehm, and Caldwell. Council members Wright, Walmann, Hampson and Mayor L. Mark Govea was absent. 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, Nuisance Officer David Ellis and City Attorney Richard Wetzler. Members of the public were: Doug Carder, Chris Lewellen, April Lewellen, Traci West, Daniel West and Kari Bradley.

**INVOCATION.** Lawrence Dickinson

**CONSENT AGENDA.** Approval of June 10<sup>th</sup> Agenda; May 13<sup>th</sup> Council Minutes, May 27<sup>th</sup> Council Minutes, Pay Application – Hall’s Bobcat - \$2,478.75 –Trail, Pay Application – Dondlinger & Son’s - \$1,299.44 – Trail, Pay Application – BG Consultants - \$35,100.00 – WWTP, Fireworks Permit – Dale & Jo’s Fireworks, and Fireworks Permit – Eddie’s Fireworks **Motion** made by Dickinson, seconded by Macek to approve the consent agenda as presented. Yeas: All.

**COMMENTS FROM THE PUBLIC.** – None.

**PUBLIC HEARINGS.** – None.

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

**UNFINISHED BUSINESS.** – None.

**NEW BUSINESS.**

**RESOLUTION 885 – ACCEPTANCE OF PUBLIC WORKS ROOF REPLACEMENT –** Legacy Contractors, LLC submitted a letter dated June 10, 2021 which served as notice of completion of the roof replacement and exhaust fan for the Public Work’s Department and started the one-year warranty period from the date on the letter. **Motion** made by Caldwell, seconded by Dickinson to approve Resolution 885 – Accepting the Public Works Roof replacement as presented. Yeas: All.

**RESOLUTION 886 –ACCEPTANCE OF FIRE STATION IMPROVEMENTS -** Legacy Contractors, LLC submitted a letter dated June 7, 2021 which served as notice of completion of the Fire Station Renovation and started the one-year warranty period from the date on the letter. **Motion** made by Caldwell, seconded by Macek to approve Resolution 886-Accepting the structural renovations completed at the Osawatomie Fire Station as presented. Yeas: All.

**RESOLUTION 887–DIRECTING CITY MANAGER TO FINALIZE AN AGREEMENT WITH TOWER POINT ACQUISITIONS FOR THE SALE OF TOWER LEASES –** City Manager Michael Scanlon was approached by Tower Point Acquisitions to purchase the T-Mobile lease that we have on our water tower. Tower Point would give the city approximately \$250,000 in exchange for the future lease revenues and 60% of any dollars produced by new leases sold by Tower Point Acquisitions. The City’s financial advisor will do an evaluation of this proposal.

This resolution will allow us to enter into a letter of intent. **Motion** made by Macek, seconded by Diehm to approve Resolution 887-Directing the city manager to finalize an agreement with Tower Point Acquisitions, LLC for the sale of water tower(s) leases as presented. Yeas: All.

RESOLUTION 888 – DIRECTING STAFF TO PRODUCE A FIVE-YEAR FINANCIAL FORECAST TO ASSIST IN ESTABLISHING APPROPRIATE BUDGETARY POLICIES FOR 2022 THROUGH 2026. City Manager Michael Scanlon discussed the importance of establishing a five-year financial forecast. The forecast helps us with producing our budgets over the long-term. It can help identify the future growth of revenues and puts us in a position to guarantee long-term success. **Motion** made by Dickinson, seconded by Caldwell to approve Resolution 888 – Directing staff to develop a five-year financial forecast to assist in establishing appropriate budgetary policies for the years 2022 through 2026 as presented. Yeas: All.

RESOLUTION 889– SETTING A 2022 BUDGET CALENDAR – **Motion** made by Macek, seconded by Dickinson to approve Resolution 889- establishing a budget calendar for the 2022 budget as presented. Yeas: All.

RESOLUTION 890 – DIRECTING STAFF TO PREPARE & SUBMIT FOR CITY COUNCIL CONSIDERATION PLANS FOR THE REPAIR AND RENOVATION OF THE MEMORIAL HALL City Manager Michael Scanlon stated that in May 2020 the city had an assessment completed of all public buildings owned by the City of Osawatomie. The assessment showed that Memorial Hall was in need of attention. Norton & Schmidt then completed an engineering assessment of Memorial Hall which stated, “In conclusion, it is my opinion that the majority of the building should be considered structurally sound with some notable structural concerns existing at the roof frame....” With the help of Legacy Contractors, we have arrived at what we think is a reasonable cost estimate to take it back to a lot of the original elements, clean up the bathrooms so that they are fully ADA compliant, work on the kitchen and the exterior roof. The amount is about \$900,000. The State Historical Society is working on getting us a grant for this facility. **Motion** made by Dickinson, seconded by Caldwell to approve Resolution 890-directing staff to prepare and submit for city council consideration a plan for the repair and renovation of memorial hall at 411 11<sup>th</sup> Street as presented. Yeas: All.

## HEARING OF APPEAL

HEARING FOR MR. CHRISTOPHER LEWELLEN – The subject of this hearing is for a violation of the Code of the City of Osawatomie, Kansas by Mr. Christopher Lewellen on the property located at 313 Lincoln Ave, Osawatomie, Kansas. This hearing is being held at the written request of Mr. Lewellen. This hearing was held in accordance with Chapter 8, Section 208, Subsections c-2. At the conclusion of this hearing the findings will be prepared in Resolution Form and adopted by the Governing Body, and the resolution shall be served upon the person by the City in the manner proved in Section 8-208, The Resolution will be back before the Governing Body on June 24, 2021.

Nuisance Officer David Ellis presented a photo log of 313 Lincoln Avenue. Ellis stated that on November 20, 2019 he had a discussion with Mr. Lewellen regarding clean up and parking

issues and Lewellen agreed there were also other issues. March 9, 2020, Lewellen was issued a 10-day notice of investigation and violation for a yard nuisance and abandoned vehicles for the property at 313 Lincoln Avenue. At that time Lewellen filed an appeal that was held by Interim City Manager Michael Smith. Ellis was unsure of the outcome of this appeal. May 17, 2021 another 10-day notice of investigation and violation for 313 Lincoln was issued for a yard nuisance and abandoned vehicles.

Christopher Lewellen thanked the council for listening. He stated that he is not denying any of it and that the council has pictures. However, every time an issue has been brought to his attention, he has immediately got it corrected the same day. Lewellen said that he did receive permission to park his off-road vehicles in the back yard from Building Official Ed Beaudry and City Manager Michael Scanlon. This is the 3<sup>rd</sup> time that he has received notices and appealed them. There is a parking issue on his block. The auto parts were cleaned up 10 minutes after the letter was received.

Ellis stated that a lot of times Lewellen has tried to correct the problem. The issue is that he must continue to check on the property. Ellis would like to see the problems corrected and for the property to continue to have a neat and clean appearance.

Lewellen would like to see equality and consistency in the neighborhood. Everything has been cleaned up. He would like to keep his off-road jeep in the backyard. Lewellen does not see an issue with him being able to park in the street.

Council was given the opportunity to ask questions.

LaDuex asked how many similar notices were issued? Ellis stated that 200 notices in the City has been issued and three notices over 2 years were issued to Mr. Lewellen. The property gets cleaned up and then progressively gets bad over time.

Caldwell asked Lewellen if he runs a business out of this property. Lewellen replied that no he does not. Caldwell then asked Lewellen how many vehicles he owns. Lewellen stated that he has nine vehicles.

Diehm asked if all of the vehicles were legal. Lewellen stated that all are tagged except the off-road vehicles. Diehm said that it looks like some cars are parted out. Lewellen said that he does but everything is gone.

Caldwell stated that it looks like over time Lewellen continues to bring things in. Lewellen said that he tried to get things in and out in one day.

LaDuex asked if the parting out cars is a business. Lewellen said he only parts the cars out for his own use.

Caldwell asked how often do you buy cars to work on your cars. Lewellen stated that he has nine vehicles. Lewellen collects vehicles in his driveway. They are all tagged and insured.

