

CITY OF OSAGE CITY
COUNCIL MEETING
April 11, 2023

ROLL CALL: Now on this 28th day of March 2023, the Governing Body of the City of Osage City, Kansas, met at the Osage City Council Chamber in said City. The following members being present and participating to wit: Mayor Mike Gilliland. Council Members: Cathryn Houghton, Brian Stromgren, Bruce Schoepflin, Shirley Bausman, Jeff Tice, Eric Tincher, Sharon Larson and Jeanette Swarts. Officials present: Rick Godderz, City Attorney; Rod Willis, City Manager; Katie Hodge, Deputy City Manager/City Treasurer; Dale Schwieger, Utilities Director and Sadie Boos, City Clerk; Others present: Kayla Maxfield, Sandy Loquist, Eric Loquist, Stevie Walker, Brad Teig, Leeanna Walker and WW - online.

APPROVAL OF THE AGENDA:

Motion by Schoepflin, second by Swarts to approve the agenda. The motion was declared carried.

RECOGNITION OF VISITORS: None

APPROVAL OF THE CONSENT AGENDA:

1. Approval of March 28, 2023 Regular Meeting Minutes
2. Appointment of Stephanie Cruchelow to fill the vacancy caused by Audrey Garton moving to New Mexico, as recommended by the Library Board.

Motion by Tincher, second by Schoepflin to approve the consent agenda. The motion was declared carried.

BUSINESS BEFORE THE COUNCIL:

1. **Tabled March 28, 2023 - Conditional use decision on the application from Eric and Sandy Loquist for automotive service and repair at 264 and 268 Ellinwood Street. Planning and Zoning Committee recommendation is to deny the permit for a conditional use following the Public Hearing held on March 15, 2023 at 7:00 p.m.**

Eric Loquist spoke on operating the auto maintenance and repair business, keeping the property neat as it has been for the past 23 years, offering a one year review of the property condition, obtaining six positive letters from neighbors who live by his property, the public hearing objections being two landlords who do not live by his property and one person who cannot see Eric's property from their location. Rod Willis explained the recommendation denial from Planning and Zoning was based on the received information by March 15th. Since that time, Eric presented 6 positive letters to present to City Council to request overriding the Planning and Zoning recommendation. If the recommendation is overturned by City Council, City Attorney Rick Godderz will prepare the conditional use permit ordinance for approval.

Motion by Larson, second by Houghton, to override the Planning and Zoning Recommendation of Denial based on the 6 additional positive letters with a review in one year to make sure the property is still neat, or the conditional use can be revoked. The motion was declared carried.

- 2. Approval of Ordinance No. 1676 Amending Sections 10-359 and 10-360 of Article VII Division I Building Demolition of Chapter 10 Buildings and Building Regulations. Changes were recommended by Code Administrator Jim Welch at the March 28th City Council meeting.**

Motion by Schoepflin, second by Tice, to approve Ordinance No. 1676 Amending Building Demolition changes as recommended by Code Administrator Jim Welch.

- 3. Clearwave Fiber Letter, Franchise Agreement and Pole Attachment Agreement for City Council consideration – Kala Maxfield, Market Development Manager, Clearwave Fiber**

Kala Maxfield was present to answer questions from the City Council about the Franchise Agreement and the Pole Attachment Agreement, under or over ground lines to residences and expected installation timeline. Considerable discussion was held on the Clearwave private line franchise fee being different from the KwiKom franchise agreement overall.

Motion by Tincher, second by Tice, to approve the Clearwave Franchise Agreement and Pole Attachment Agreement as presented. The motion was a tie vote with Houghton – no; Stromgren – no; Schoepflin – no; Bausman – no; Tice – yes; Tincher – yes; Larson – yes; Swarts – yes. Mayor Gilliland broke the tie vote with yes. The motion was declared carried.

Motion by Tincher, second by Tice, to approve the Clearwave Franchise Agreement as Ordinance No. 1677 as presented. The motion was a tie vote with Houghton – no; Stromgren – no; Schoepflin – no; Bausman – no; Tice – yes; Tincher – yes; Larson – yes; Swarts – yes. Mayor Gilliland broke the tie vote with yes. The motion was declared carried.

- 4. KDHE Waste Tire Grant in the amount of \$14,106.40 has been awarded to the City of Osage City for 50% of the playground mulch as applied for by Parks & Facilities Superintendent Gary Thompson and Deputy City Manager/City Treasurer Katie Hodge**

Gary Thompson described the playground material and placement to meet playground standards and expected life of the materials. Katie Hodge stated other grants are possible to further the funding if needed to complete the playground mulch. City Council congratulated Katie and Gary for receiving the KDHE grant.

Information only with no action taken.

- 5. Approval of Western Consultants dba Governmental Assistant Services Contract for Services in the amount of \$8,500.00 to prepare the loan application for the State of Kansas Water Pollution Control Revolving Loan Fund, and the Contract for KDHE Administration Services for the qualified administrator for the loan not to exceed \$12,500.00 for loan administration – Brett Waggoner, Grant Specialist, Governmental Assistance Services**

Rod Willis explained Governmental Assistance Services was our consultant for the 2023 CDBG sewer application that was awarded and is our CDBG grant administrator for the next phase. The KDHE revolving loan fund for the remaining sewer phase funding requires extensive time and expertise that ties directly into the Osage City sewer project knowledge that Governmental Assistance Services already has done work on for CDBG.

Motion by Schoepflin, second by Tice, to approve the Governmental Assistant Services Contract for Services for \$8,500.00 for KDHE loan application and the Contract for KDHE Administration Services not to exceed \$12,500.00 for loan administration.

- 6. Planning & Zoning Board is hosting Jim Kaup, the attorney who developed the Zoning & Subdivision Regulations for the City of Osage City in 2008-2009 in a workshop on Wednesday April 19, 2023 at 7:00 p.m. in City Council Chambers. City Council Members are welcome to attend if interested.**

Information only with no action taken.

ADJOURNMENT:

At the request of Council Member Tincher and on his motion, seconded by Council Member Schoepflin and carried unanimously, the meeting adjourned.

APPROVED: _____

Mike Gilliland, Mayor

ATTESTED: _____

Sadie Boos, City Clerk