

Regular Council Meeting  
September 9, 2013, 6:30 p.m.  
City of Oswego, Kansas

Present: Councilmembers Jane Rea, Dee Brown, Susan Bringle, Kelly Vance and Bill Owens with Mayor Glenn Fischer presiding.

Absent: Councilman Darren Tynan

Also Present: City Clerk Cheri Peine, City Superintendent Calvin Jurgensen, Deputy City Clerk Carol Eddington, Police Officer Joe Royer, City Attorney Rick Tucker, Skip Riley, Jay Trower, Richard Thompson, Carole McKinley, Bill Cunningham, Rena Russell, Larry Richardson and Dan Chapman.

### **OPENING PRAYER AND PLEDGE OF ALLEGIANCE**

Attorney Rick Tucker opened the meeting with a prayer. Councilmember Owens led the Pledge of Allegiance.

### **PETITIONS AND DELEGATIONS**

#### **Oswego Golf Course Board**

Skip Riley and Jay Trower, representing the Oswego Golf Course Board of Directors attended the meeting. Riley informed the Governing Body that the current Board of Directors is very committed to the future success of the golf course. He said they are in it for the long haul as are many of the volunteers who donate their time – many times at the drop of a hat. The annual golf course membership meeting is coming up (October 5<sup>th</sup>) and the Board will be discussing many items with the membership but first wanted to talk to the City.

The golf course desperately needs to replace a few pieces of equipment that are essential to the proper maintenance and upkeep of the course. Before the annual membership meeting, the Board wanted to find out whether the city would be open to the possibility of extending the bond issue or generating a new one for the golf course to repay much the same as the current one. Riley said the golf course could not afford to replace the equipment on its own. The city will make the final payment of the current bond issue for the golf course on October 1<sup>st</sup> of this year. The golf course will make two more reimbursement payments (2014 & 2015) to the city for that bond issue.

Mayor Fischer commended the Board of Directors and the volunteers for their hard work and dedication. These individuals have done a good job with the golf course – which is a wonderful asset for the city. He would like to see the city continue to work with the golf course. Riley said they couldn't do it without all of the volunteer work. He also stated that the golf course could not survive without being tied to the city. He was wondering what the next step is. Attorney Tucker said the city will need to get their bond counsel involved. Consensus of the Council was to maintain the current relationship with the golf course whether or not it is with a new bond issue. Councilmember Bringle advised she would be willing to attend the annual meeting of the Golf Course membership to express the city's support of the golf course.

#### **Condemnation – 22 N. Commercial – Richard Thompson**

After receiving the Resolution passed on this property at the last regular Council meeting, Mr. Thompson came in to the city office and advised that he did not remember receiving any

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information on the public hearing date. He agreed it was his signature on the certified mailing receipt but did not remember reading the contents. He asked if there was any way he could be granted an extension on getting things done to the house. Clerk Peine checked with Attorney Tucker who suggested the item be brought before the Council for consideration.

Mr. Thompson stated that he has owned the house for several years and has done little work to it. He stated that this house has not been a priority with him but with this condemnation procedure, he will make it a priority. It was noted that the house has been vacant since Thompson has owned it.

Superintendent Jurgensen reported that Thompson has picked up the siding in the yard, closed up the openings in the foundation and trimmed up the brush on the property. Jurgensen said that both he and Thompson agree that the garage has to be torn down. It was noted that the house must meet Minimum Housing Standards before it can be occupied. When asked if Thompson could have the garage torn down and cleaned up in 30 days, he said yes. He also said that 6 months was a good time frame for him to have the work done on the house.

Owens made a motion and Bringle seconded to grant an extension of 30 days for Thompson to have the exterior issues addressed, the garage torn down and cleared off the property and a 6 month extension for him to have the work done to the house to bring it into compliance with Minimum Standard Housing Codes. Motion carried. The Resolution was numbered 09-09-13A.

## **CITY ATTORNEY ITEMS**

### **City Code Revision – 2013**

Changes discussed at the special meeting have been incorporated in the revised Code.

Investment of Idle Funds. Clerk Peine has checked with the city's auditor in regards to the section on Investment of Idle Funds. He advised "nowhere in the statutes does it say you have to put back into general fund (unless you are a county), but you would want to follow city code. So I think you need to change your city code. If you want you can look at the following statutes.

Kansas municipal audit and accounting guide page 23: "Investments of idle funds (including bond proceeds) made in accordance with statutory provisions (including statutorily authorized financial institutions) and the income earned is properly accounted for, credited to proper funds, and expended for authorized purposes. (K.S.A. 10-131, 12-1675, 12-1677)"

Kleman, with City Code Financial, advised the best thing to do would be to remove the section. He has taken this section out. Clerk Peine said that there are bond requirements governing interest placement and the city complies with those requirements. After some discussion, Brown suggested the city leave out the section on Investment of Idle Funds – Council agreed.

Two additions to the Code as it was presented are:

Vicious animals - It was agreed upon to raise the required amount of insurance from \$50,000 to \$100,000.

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Camping in Riverside Park - This year Oswegofest is holding a BBQ cook-off and in order to allow participants to stay with their cookers overnight, the Mayor suggested changing section 12-108 to allow overnight camping only if it is authorized by the Governing Body or Chief of Police. It was clarified that the requests for allowing camping in the park are per event.

“AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF OSWEGO, KANSAS, PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES” was presented. Brown made a motion and Bringle seconded to adopt the Ordinance with the two additions as discussed. Motion carried. Clerk assigned it Ordinance #1308.

### **Resolution Setting City Fees**

A Resolution setting fees for certain services that the city provides was presented. Discussion was held on:

Research fees – increase to \$20 per ½ hour.

Dog Impound fees – charge \$25 flat rate plus the \$3 per day impound fee.

Shelter rental – add the shelter at Schmoker Park to the list of shelters for rent

Brown made a motion and Bringle seconded to approve the fees with the changes discussed. Motion carried. The Resolution was assigned #09-09-13B.

### **Ordinance – Home Rule – Economic Development/Housing Development**

“A HOME RULE ORDINANCE OF THE CITY OF OSWEGO, KANSAS, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS TO ACQUIRE CERTAIN REAL PROPERTY FOR ECONOMIC DEVELOPMENT IN THE CITY” was presented. The ordinance states the city’s authority, under Home Rule, to levy a tax and expend public funds for economic development purposes. Brown made a motion and Rea seconded to approve the Ordinance as presented. Motion carried with Vance and Owens voting no. Clerk assigned it Ordinance #1309.

### **Resolution – GO Bond for Acquisition of Land – Housing Development**

A “RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF TAXABLE GENERAL OBLIGATION BONDS, SERIES A, 2013, OF THE CITY OF OSWEGO, KANSAS” was presented. Rea made a motion and Bringle seconded to approve the Resolution. Motion carried with Vance and Owens voting no. The Resolution was assigned #09-09-13C

Mayor Fischer requested Council move forward with this project as a united force.

### **CONSENT AGENDA**

The Consent Agenda includes minutes from regular and any special meetings since the last regular meeting, accounts payables for the month (copies of the warrants were available for review). Councilmember Rea asked that the word “stonewalled” in the regular August meeting minutes, when discussing the SKW contract, be replaced with “delayed”.

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The Consent Agenda also included an ordinance entitled “AN ORDINANCE MAKING AND LEVYING A SPECIAL TAX UPON ALL LOTS AND PARCELS OF GROUND IN THE CITY OF OSWEGO, KANSAS FOR THE COST AND EXPENSE OF MOWING IN SAID CITY THROUGH JULY 19, 2013” for assessing mowing charges against properties for mowing through July 19, 2013.

In addition, the Consent Agenda included a Modification Order to change the street lighting at 4<sup>th</sup> & Nevada from mercury vapor to high pressure sodium lights as the old lights quit working. Westar requires Council approval of the modification.

Brown made a motion and Bringle seconded to approve the Consent Agenda with the change as noted to the minutes. Motion carried.

### **OLD BUSINESS**

#### **Professional On-Call Services Contract with SKW for GIS**

The agreement with SKW has been revised. When asked, Supt. Jurgensen said that he was in favor of the GIS mapping system. It was discussed that SKW needs to present bills to the city by the 1<sup>st</sup> of the month. Clerk Peine will discuss this with them but has had no problems with them in the past. Bringle made a motion and Brown seconded to approve the agreement. Motion carried.

#### **KDHE Planning Grant – Engineering to Comply with EPA Regulations**

It is unclear whether the city will need engineering but KDHE has recommended cities apply for this grant to prevent missing out on the funding. The city can always decline the grant if it is not needed. The grant application deadline is September 15, 2013.

### **Housing**

#### **CDBG Grant Project**

The Housing Committee has inspected approximately a dozen homes for the CDBG project where the city will purchase the home, use \$10,000 of the city’s funds to help rehabilitate it and receive an additional \$25,000 in CDBG funds to assist with the rehab. The Committee recommends Council acquire a property for this project.

Rea made a motion and Bringle seconded to go into executive session for 10 minutes with the Mayor, Council, City Clerk and City Attorney present, to discuss the acquisition of land. Motion carried. Executive session began at 7:35 p.m. and ended at 7:45 p.m.

Bringle made a motion and Brown seconded to have the Housing Committee make the offer for the property discussed in the executive session with the stipulation that they have to have an inspection for mold; that they proceed for the amount discussed in the executive session and if there is a problem found through the inspection, the city gets its earnest money back. Motion carried.

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Donation of Property from Labette Bank – 8<sup>th</sup> & Kansas

Labette Bank has notified the city that they would like to donate the property located on the northwest corner of 8<sup>th</sup> & Kansas. There is a house located on the lot that would need to be demolished. The lot could then be sold for someone to build a house on or used for a housing project in the future. The Housing Committee recommends accepting the donation.

Rea made a motion and Bringle seconded to accept the donation of land from the bank with the intent to sell and hope someone puts a nice house on it. Motion carried with Owens voting no.

**Craw-Kan – Use of Abandoned Water Lines for Fiber Optic Service**

Councilmembers Dee Brown and Kelly Vance served as the committee working on this. They met with Craw-Kan representatives on September 5<sup>th</sup>. Brown reported that they discussed a lot of things with Craw Kan and tried to get an installation charge of some kind out of them but Craw Kan made it clear that they will not bring their business to town if they are required to pay an installation charge for using the city's water lines. They are willing, however, to provide internet services to all city buildings and the Library (the Committee intends to ask about providing internet for the Museum as well). What Craw Kan is proposing to provide the city with internet services would be worth approximately \$3,300 - \$3,600 a month.

Craw Kan said they would have to send a geek squad in to assess the needs of the city in regards to speed and IT services before they could draft a proposal. Brown reported that there is also a possibility of purchasing a security system through them at a good price.

The Committee members discussed the property at 3<sup>rd</sup> & Illinois with Craw Kan as a possible spot for the location of their building and they thought it would work well. Craw Kan said they would purchase the property from the city, they would not expect it to be donated to them.

Craw Kan said they were agreeable to a franchise fee on their cable services at the same rate the city is receiving from the current cable provider (5%).

The Council is receptive to their ideas. Attorney Tucker said that now Craw Kan just needs to send the city a revised agreement for Council consideration.

**NEW BUSINESS**

**Downtown Building Demolition Grant – Oswego Professional Building and the Branson Building**

As part of the grant application, they want proof that the city has started this process. The condemnation process has already begun on the Professional Building. The enclosed Resolution begins the process for the Branson Building. "A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR A NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF OSWEGO, KANSAS, AT WHICH THE OWNER, HIS OR HER AGEN, LIENHOLDERS OF RECORD, OCCUPANTS AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED AT: Lots 6 through 8 and the East 20' of Lot 9, Block 25, City of Oswego, Labette County except: Commencing at the Southeast corner of Lot 6, Block 25, City of Oswego, thence West 61.60' to the West side of the common wall between

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the two buildings, thence North 44.1' along the West line of said wall to the North end, thence East 1.45' to the East side of the West building, thence North 95.9' to the North line of said lots, thence East 60.98' to the Northeast corner of said Lot 6, thence South 140' to the point of beginning IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES” was presented.

Owens made a motion and Brown seconded to adopt the Resolution (and change the date of the hearing to the 12<sup>th</sup> of November due to the holiday on the 11<sup>th</sup>). Motion carried. The Resolution was numbered 09-09-13D.

### **Schmoker Park - Bathrooms**

There have been requests for bathrooms to be placed at Schmoker Park. Supt. Jurgensen said the cost would be more feasible constructing it with a wood frame and metal sides. It would be placed on the east side of the creek. Council asked for cost estimates and asked that the city check with the Parks and Community Foundation for their input. The item will be placed on the agenda next month.

### **Fall Clean-up**

After some discussion, Bringle made a motion and Brown seconded to reinstate the policy of holding a fall clean up after the city-wide garage sale on October 5th.

### **November Council Meeting Date**

The regular November Council meeting day falls on Veterans Day. The city's ordinance on Council meeting dates states that “In the event the regular meeting day shall fall on any legal holiday or any day observed as a holiday by the city offices, the governing body shall fix the succeeding day not observed as a holiday as a meeting day”. Therefore Council meeting will be held on Tuesday, November 12<sup>th</sup>.

### **Donation Request – Oswegofest**

The Oswegofest Committee has requested a donation for this year's Oswegofest. In the past, the city has donated \$250. Brown made a motion and Bringle seconded to donate \$250 to Oswegofest. Motion carried.

### **Boot Block Request – Knights of Columbus**

The Knights of Columbus has requested holding a boot block on Saturday, October 12<sup>th</sup>, from 10:00 a.m. to 12:00 p.m. The fundraising effort will benefit handicapped children in local schools. Rea made a motion and Bringle seconded to approve the boot block request. Motion carried.

### **League of Kansas Municipalities Annual Meeting – Overland Park**

Clerk Peine asked if anyone was interested in attending the meeting in Overland Park. The early registration deadline is September 27<sup>th</sup>. Peine asked that anyone wishing to attend the meeting let her know as soon as possible as she will need to make hotel reservations. Mayor Fischer said he would like to attend but did not know yet whether he will be able to.

### **Personnel Policy – Employees Driving Vehicles Home**

The current policy does not address what employees shall be permitted to drive vehicles home. Discussion was held on why it was necessary for employees to drive a city vehicle home. Supt. Jurgensen said it was the individuals who are basically always on call. After further discussion on how it would be determined where to draw the line or how far outside the city limits an individual can live and still take a city vehicle home, Brown made a motion and Bringle seconded to draw the line at the city limits and make it part of the personnel policy that employees cannot drive city vehicles home if they live outside the city limits. Motion carried.

### **INDIVIDUAL REPORTS**

**Jurgensen** – asked about the after hour call out. Clerk Peine advised this change would take place with the adoption of the new code book.

**Vance** – the house next to O’Neil’s needs to be mowed desperately.

**Rea** – asked about the parking issues at the Farmer’s Market. The Mayor and City Superintendent had a couple of different meetings set up with vendors at the Farmers Market, but they failed to show up. Mayor Fischer said the city is trying to work with them but they want to drive on the grass. One vendor had to be pulled out after their vehicle got stuck in the lawn of the park. There have been ruts made by driving their vehicles by the water hydrant. The Mayor said they should not be driving on the grass. Supt. Jurgensen said that the city has put in a couple of handicapped parking spots, put gravel all the way up to the shelter so they can pull up and unload right at the shelter, they will be putting in a crosswalk, etc. Rea asked if the Mayor and City Superintendent would set up another meeting with the vendors. They said they would.

- asked whether the large sign in Riverside Park, by the slipper slide was going to be taken down with the new signage in the park? She was informed that it will not be taken down.

**Peine** – said that the High School is having a community service day on October 15<sup>th</sup> and was wondering if they could send flyers out with the city bills this month? Council was in favor of that.

- the OHS Booster Club has sent out requests for memberships. The city has given \$50 in the past but there are two other levels of membership. Rea made a motion and Bringle seconded to do the Tribe membership for \$100. Motion carried.

- passed around the Real Estate Guide that the city purchased a couple of pages of advertisement in.

- passed around a sheet on the final costs of the City Hall Renovation Project. The expenses were over a little bit but the payback will remain at four years as originally intended.

- the Library recently contacted Clerk Peine in regards to an Attorney General’s Opinion on allocating funds for libraries. After doing some research, Peine found that there is a more recent

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Attorney General's Opinion that abolished those requirements. Peine thought it might be a good idea to meet with the Library Board, the city's Auditor and the City Attorney to discuss this and any other questions they might have about the relationship between the Library and the city. Owens said that the Library definitely needs their city apportionment increased. Bringle made a motion and Rea seconded to provide education for the Library Board about funding and other issues. Motion carried.

- at the budget meeting, an increase in sales tax was discussed. With facing half of the cost of the demolition of the two downtown buildings (the grant will pay for the other half) and the amount that the city has to match the grant, now is the time to discuss making this increase. She will ask for updated demolition quotes for the grant and feels that a special meeting would allow for a more in depth discussion of uses of sales tax revenue beyond the demolition of the downtown buildings. A special meeting will be held at a later date to discuss this further.

**Bringle** – feels that all potential employees who will be dealing with children need to have a background check.

**Mayor** – would like to get the original Strategic Planning group together and review the plan to make any necessary changes or additions – discuss housing developments, etc.

- reported that the city has received six applicants for the city clerk position. He plans to narrow it down to three and conduct interviews within the next 10 days. He invited the Council to sit in on the interviews. He would like to have an appointment for the October Council meeting in order to allow approximately three months for orientation with Clerk Peine before she leaves.

- handed out written information to the Council on Executive Sessions. He asked that they read the information and take it to heart.

**Bill Cunningham** – asked to address the Mayor. He asked why the Mayor and Clerk Peine had told him that the large sign in Riverside Park was going to be taken down? The Mayor said he did not tell him that and Peine said she was the one who said that it was looking worn and maybe it should come down. At that point Cunningham interrupted while they were still trying to answer the question after he loudly accused them of not being truthful. The Mayor advised Cunningham that if he wanted to continue the conversation he was to speak in a civil manner. Councilmember Brown said to Cunningham, you asked them a question now please let them answer you. Cunningham turned to her and said I was not talking to you, I was talking to them. Cunningham asked the Mayor why he was the one furnishing the signage in Riverside Park? Clerk Peine said she was the one that asked Fischer to do them. She said that she had tried to contact SSI in Parsons for a quote but had been unable to reach the gentleman she needed to speak with. They had also looked at signs similar to what were used for the signs on the light poles, but the cost was very expensive. Due to the time constraints and all of the other projects we had been dealing with she contacted the Mayor and asked him what he could do. The city has been doing business with the Mayor for all of its plaques, service awards and the Tree Board signs for years with no indication this was a problem, and he is the only vendor in town that does this type of work. Mayor Fischer informed Cunningham that when he filed for the office of



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Mayor, he declared that he does business with the city as required by law. At that point Councilmember Bringle respectfully requested that Cunningham apologize to Councilmember Brown for the way he spoke to her. Cunningham apologized. Cunningham's actions with the Council were provoking and threatening, and he presented himself in a rude, insolent and angry manner of which constitutes gross insubordination.

Mayor Fischer offered to donate his labor for the signage and just charge the city for materials. No action was taken by the Council.

**ADJOURN**

Brown made a motion and Rea seconded to adjourn the meeting at 9:02 p.m.

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Mayor Glenn Fischer

Attest:

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Deputy City Clerk Carol Eddington