

Regular Council Meeting
December 9, 2013 6:30 p.m.
City of Oswego, KS 67356

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

Also present: City Superintendent Calvin Jurgensen, City Clerk Cheri Peine, Deputy City Clerk Carol Eddington, Chief of Police, George Elliott, Asst. Chief of Police Brandon Conrad, City Attorney Rick Tucker, Roger Vance, Rena Russell, Danny Chapman, Pat Hendrickson, Carole McKinley, Paula Kern, Larry Richardson, Nancy Korinek, Renee Cochran, Heather Brown, Trevor Blankinship, Jill Blankinship, Jolene Gaier, Liz Turner, Bob Conway, Angela Solomon, Katie Solomon, Hailey Solomon, Janie Allison, Kristen Redburn, Ashlynn Sinclair, Katie Sholly, and DeRhonda Newby.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Rev. Bob Conway, First United Methodist Church, gave the opening prayer and Councilmember Brown lead the Pledge of Allegiance.

PROCLAMATION – Neosho Heights – National Blue Ribbon Award

The Mayor presented a proclamation to School Superintendent Mark LaTurner and Principal Janie Allison in recognition of Neosho Heights Elementary School being one of the nation's 236 public schools to receive the National Blue Ribbon Award. The National Blue Ribbon Award honors public and private elementary, middle, and high schools where students perform at very high levels or where significant improvements are being made in students' levels of achievement. Mayor Fischer read the proclamation stating that Neosho Heights Elementary School was recognized at an awards ceremony in Washington, D.C. for "Exemplary High Performing" as measured by state assessments or tests.

PUBLIC HEARING – 2013 Budget Amendment

Two amendments were proposed for the 2013 Budget. An amendment for the Refuse Fund, in the amount of \$80,000, was due to funds being transferred from Refuse Surplus for the City Hall Renovation Project. The General Fund amendment, in the amount of \$43,500, is just a precaution since the budget is close. There were no comments or questions in regards to the budget amendment. Brown made a motion to approve the Amendment and Rea seconded. The motion carried.

PUBLIC HEARING – 820 Fifth St. Condemnation

The public hearing for the condemnation on this property is scheduled for this evening. The City has received notice from the property owners that they have scheduled B-3 to tear down the house. B-3 told the city that they would be able to get to this house either by the end of the year or shortly after the New Year has begun. The fire insurance funds have been received by the City. The City will pay B-3 for the demo, reimburse the City for condemnation expenses up to this date and the balance will be returned to the owners. Therefore, it is not necessary to continue with the condemnation process.

PETITIONS AND DELEGATIONS

Nancy Korinek– Oswego Public Library - Funding

Nancy Korinek addressed the Council in regards to the drop in funding that the Library has received from the State and the decrease of income from the O'Connell Trust account. The trust account contains \$86,000 in which they receive approximately 2/3rd of the dividends and the museum receives the other 1/3. The library has no control over the trust and has seen a decrease since 2008. Nancy stated the original Charter says that the library should receive 3 mils and is requesting that this be reinstated in the 2015 budget since the 2014 budget is already set. In the meantime, they are requesting \$4,000 – 5,000 to help with the short fall – for 2013 and 2014.

Korinek said the funding will enable them to bring the salaries up to a reasonable rate. She said the salaries have been static and are well below other area libraries. In particular the Library Director, Liz Turner, who was then commended by the Council for her dedication and hard work and received a standing ovation. Korinek went on to state that the increase in funding would allow them to remain a viable institution and asset to Oswego as well as allow for some possible building repairs. She said the Heat and Air Conditioning units are old and will need to be replaced or repaired in the near future.

The library will continue to look for other funding sources and may be able to get funding from the State Historical Society. City Clerk, Cheri Peine said that it may be possible to find additional funding out of the General Fund. Councilman Owens asked if the funding could come from Parks and Recreation. Peine will check and see. It was also suggested that the funding could come from the parks sales tax. Rick Tucker said that would be an Attorney General opinion and that he could check to see. Korinek said that any help would be appreciated. The Governing Body stated they are definitely willing to help the Library and they will work to see where they can get the funding.

ORDINANCES and RESOLUTIONS

2014 Holiday Resolution

City Staff requested Council substitute Presidents Day in February for the day after Christmas as part of the 2014 holidays. Christmas falls on a Thursday in 2014 and many employees ask for the day after Christmas off anyway. A four day weekend makes it much easier to fit in Christmas celebrations with families. A similar substitution was done in 2012 to allow for a 4 day weekend at Christmas. Brown made a motion and Owens seconded to approve Resolution12-09-13A as presented. Motion carried.

Concealed Carry

In order to comply with the Concealed Carry Act the City must either allow concealed carry or submit to the Attorney General resolutions on each city location where the city will continue to prohibit concealed carry by December 31, 2013. Attorney Rick Tucker stated that in order to allow concealed carry, all of the no concealed carry signs would need to be removed from the city buildings. However, if the City opts to continue to prohibit concealed carry weapons, the Council needs to approve a security plan. Chief Elliott has inspected each building and generated a risk assessment for each. He stated that all of the buildings were at minimal risk and

nothing indicated that concealed weapons should be allowed. Attorney Tucker has prepared a notice to the Attorney General and a Resolution for each of the City buildings. This assessment and plan will allow four more years before the city would have to comply with the requirements of the new concealed carry regulations. These new regulation will require the city install metal detectors at each of the buildings or have guards at the doors to check for weapons.

Copies of Attorney Tucker's final draft of the security plan were presented to the Council and Mayor Fischer called for a 15 minute recess from 7:10 – 7:25pm so Council could read the plan for risk assessments for each building.

Elliott gave an overview of the plans for the buildings after the break. It was recommended that “panic buttons” hooked to 911 be installed in the office area in the Police Dept, in the City Clerk's Office, Council Room and at the Water Plant. In addition, the front door to the City building would remain locked during Council Meetings but persons could still exit by that door and the Clerk's Office door would remain locked during the day. After further discussion, it was requested that the following two items be added to the Security Plan. In the Resolution for the Water Plant, add “all doors will remain locked at all times” and in the Resolution for the Senior Citizen's building, add “all doors will be locked when not in operation.”

Bringle made a motion and Vance seconded to approve Resolutions 12-09-13B (City Hall), 12-09-13C (Community Center), 12-09-13D (Fire Dept.), 12-09-13E (Senior Center), 12-09-13F (Parks Barn), 12-09-13G (Water Plant), 12-09-13H (Public Works Barn) and 12-09-13I (Golf Course) with the noted additions. Motion carried.

CONSENT AGENDA

The Consent Agenda includes minutes from regular and any special meetings since the last regular meeting, accounts payables check registers for the month (copies of the warrants were available for review), payroll checks for the month and utility deposit refund checks for the month.

The Consent Agenda also included the appointment of Jim Stephens to fill a vacant position on the Planning and Zoning Commission that expires in May of 2014 and CMB Licenses for 2014. CMB applications that were submitted are Jump Start, Casey's General Store, G&W; Mi Pueblo and Oswego Golf Course.

Bringle made a motion and Vance seconded to approve the Consent Agenda. Motion carried.

OLD BUSINESS

Code Enforcement – Thompson – 22 N. Commercial

At a previous Council meeting, Council gave Richard Thompson 30 days to fix up the garage at 22 N. Commercial. Supt. Jurgensen said that Thompson has put siding on the building and he feels it looks presentable. Photos of the garage were included in the packet.

Thompson had been given six months to make the necessary repairs to the house. The six months will be up March 9, 2014. Jurgensen reported that there has not been any notable work done on the house recently. He stated that he had given Thompson the list of minimum housing requirements and pointed out some of the items on the outside of the house that needed to be addressed as well.

Water Project – Streambank/ Dam Project

Peine reported that the City received a letter from FEMA that the requested extension had been denied. Now that the official denial letter has been received, the City can start the process to appeal the decision. The city has 60 days to present an appeal. The first appeal will be to the regional FEMA office which Joe Wheeler, with KS Dept. of Emergency Management, has indicated will probably not be successful in getting the decision overturned. He feels the second appeal at the Federal level will be the City's better chance. If the decision to deny funding is overturned the funding would be reinstated.

Peine said that the situation at the water intake has become critical and since the appeal process could take 12-18 months before a decision is made the City cannot wait to begin the project. The problem with the intake is that not enough water is getting into the water plant from the silo. Calvin recently contacted the City of Parsons to see about using a vacuum mud pump to clear mud out of the silo around the pump. The City of Parsons came and did this work for the city at no charge. Mayor Fischer wanted to make sure that a note of thank you is sent to the City of Parsons. Pumping out the mud is a short term help. In addition, the dam continues to erode and any flooding could cause more serious problems.

Rural Development has contacted the City and they have approved an additional loan and grant amount for the city in order to make up for the loss of funding from FEMA. The additional funding is \$409,000 and grant funds are \$338,000. The total project cost is \$1,500,000 - \$832,000 in loans and \$668,000 in grant funds. Christie McReynolds, with Rural Development, recommended going ahead and issuing GO Bonds, instead of issuing temporary notes first and then GO Bonds. This will save the city some money in interest. Peine reported that if the city should win the appeal with FEMA, those funds can be applied to the outstanding loan amount.

Owens asked how this additional loan amount will affect the monthly water bills. Clerk Peine felt it would be minimal – possibly around \$1.20 per bill per month (\$14.40 annually).

Matt Eblen, SK&W, provided a letter recommending R.A. Knapp as the contractor. SK&W has worked with them and they provided quality work. Supt. Jurgensen stated the representatives from the company seemed very knowledgeable and was comfortable with them. The pre-construction conference will be held on Thursday, Dec. 19th at 10:30am. Brown made a motion and Rea seconded to approve the contract with RA Knapp Construction. Motion carried.

All of the funding documents required by Rural Development were reviewed (the LOC, Minutes, RD 1942-46, Certificate of Clerk, RD 1940-1 SF 424 Application and Written Notice of Interest Rate Selection) Owens questioned the amount on the RUS 1780-12 and believes it should say

Regular Council Meeting
December 9, 2013 6:30 p.m.
City of Oswego, KS 67356

\$832,000, not \$1,170,000. Peine will discuss this with Rural Development. Brown made a motion and Tynan seconded to approve all of the documents with the possible correction after Clerk Peine checks into it with Rural Development. Motion carried.

Rea made a motion and Brown seconded to direct Mayor Fischer to approve the “Minutes of Regular Meeting of the City Commission” document and direct Clerk Peine to attach it to the official minutes of tonight’s meeting. Motion carried.

Housing - Housing Development (Jennings Property)

House on the Property

The house that was purchased with the Jennings property needs plumbing and wiring and the HVAC checked. Peine reported that Galemore will look at the house more thoroughly as soon as she is able to do so.

Preliminary Plan

A proposal from Anderson Engineering to provide civil engineering, survey work, platting and Geo-technical engineering for the first plat of a proposed subdivision on 11500 Road was discussed. The proposal includes an expense of \$5,300 for the testing of eight (8) pits near the proposed roadway and sewer mains. However on page three of the proposal it was stated that “*this proposal does not include any geotechnical exploration*”. Peine contacted Anderson Engineering and they will resubmit this section. There was additional discussion as to whether it would be better to go ahead and do all of the testing now (a total of 14 pits) or wait. The advantage to doing all of them now is that it would be cheaper in the long run. The disadvantage would be that there would be more up- front cost and the location of the street or sewer could change. It also may be possible that more would need to be done later. It was decided to do only the eight sites as included in the agreement with the understanding that at least one of the test pits be near where the lift station will be located.

Bringle made a motion and Brown seconded to accept the agreement with Anderson Engineering in the amount of \$33,500 - taking the amount out of the Electric Fund and then returning it when the city receives the financing. Motion carried with Owens and Tynan voting “No”.

Housing - CDBG Housing, Owner Rehab

Contracts were issued on the first 4 homes: 303 Ohio, 1317 6th, 323 4th and 1124 5th. Repair work will begin on these homes soon if it has not already. There was a walk through on the second set of homes on Thursday, 12/5/13. The bid opening for these homes will be held December 18th.

Housing – CDBG Housing, City Owned Rehab

The house that the city purchased (112 Iowa) showed some termite damage which requires treatment. The seller is required to pay for the treatment. Peine reported that when the treatment is completed, Susan Galemore will but the bid documents together and bid out the project.

Housing- Donated Property – 411 E. 8th St

Clerk Peine reported that the house is in bad shape, is too small to rehab and therefore, needs to be torn down. Since staff knew that B-3 was going to be in town for another project they asked them what they would charge to tear down the house and clear off the lot. B-3 said they will do it for \$2,000. Rea made a motion and Bringle seconded to approve the quote from B-3 for tearing down the house. Motion carried with Owens voting “No”.

Fiber Optic

The Mayor and Clerk Peine will meet with Craw-Kan this Wednesday. The original offer was for City Hall to receive a 50meg connection and for all city buildings to have a connection. Now they are only offering a 6meg connection for City Hall. The Mayor invited the members of the original committee to attend the meeting as well.

NEW BUSINESS

SRTS Contract Agreement - KDOT

The City has received a contract to accept the award for the grant in the amount of \$15,000. Anything over the \$15,000 the City and the School will have to pay for. The planning phase may include looking at sidewalks, traffic flow of how students are picked up and dropped off, etc. The grant is a 90% grant with a 10% match. The city has already paid \$1,500 for engineering. Brown made a motion and Tynan seconded to accept the contract with KDOT. Motion carried.

SRTS Engineering Agreement - SKW

Shafer, Kline & Warren has agreed to change the wording in the contract the same as they did in the contract for GIS services (as requested by the City). The contract from SKW in the amount of \$10,340 for basic services, with other additional costs and services to total \$15,000, was included in the Council packets. Brown made a motion and Vance seconded to accept the contract with the changes in the wording. Motion carried.

Personnel Policy – Special Meeting Date

Due to the changes in the office and year-end processes the Mayor suggested the special meeting be held no earlier than February or March. Council agreed.

Pool Bathhouse Roof Project

It was decided to table this item until the regular Council meeting in January.

City Sales Tax Increase & Renewal

Discussion was held regarding the need for some additional funding through a possible sales tax increase. Clerk Peine stated that the City needs to get funding in place to pay for demolition of the two dangerously dilapidated downtown buildings. If the City receives the \$300,000 grant to tear down the buildings it will have to come up with \$150,000 in matching funds. The City does not have it. In addition, Peine noted that the City has not been funding Municipal Equipment or Capital Improvements at an adequate level in the last 4-5 years. The City has not raised the mil levy and has cut costs to the point that the reserves for necessary equipment, infrastructure

Regular Council Meeting
December 9, 2013 6:30 p.m.
City of Oswego, KS 67356

maintenance, police vehicles, etc. have dwindled too low. For the first time in decades, the city did not have the money set aside to replace a patrol car when it was necessary. There are also projects that are important to the community that need to be completed such as the swimming pool repairs, aid to the Library, etc. A ½ cent sales tax increase would raise around \$80,000 annually. Oswego's sales tax rate is lower than many of the surrounding cities.

Peine reported that Steve Brunken, with the KS Dept of Revenue, suggested a special election for an increase in sales tax. After checking with the County Clerk, mid-February would be the earliest the city could hold a special election. It would require adopting a resolution and putting it on the ballot for February. If it passes, it would be adopted at the March meeting and become effective in July, 2014. The County Clerk said the cost to do a special election would run around \$10,000 since the County Counselor said they would need to use the ballot machine. If the ballot machines did not have to be used, it would cut the cost greatly – to around \$4,500. Clerk Peine suggested appealing to the County Commissioners to see if they would allow a manual count instead of using the machines.

Discussion was held on whether the city should include the renewal of the one cent sales tax on the same ballot in February or not. The current one-cent sales tax expires June 30, 2015 and would have to be placed on the ballot in the fall primary election of 2014 in order to have time to place it on the ballot again in the November general election of 2014 if it did not pass the first time. Consensus of the Council was to not place both sales tax questions on the same ballot.

Bringle made a motion and Rea seconded to pass the Resolution for a special election in February to ask for ½ cent sales tax increase to fund special projects, Capital Improvement, Municipal Equipment and Library funds, and to go into the General Fund with the potential to reduce property taxes. Motion carried. Resolution was numbered 12-9-13J.

Strategic Plan

The Strategic Plan session is set for February 1, 2014 from 8:30 to 12:30 and will be held at the Community Building. A continental breakfast will be provided for the planning session participants so we will ask for an RSVP when the invitations go out.

Occupational Health Services- Oswego Community Hospital

Roger Vance answered questions about the proposed Occupational Health Services agreement with the Oswego Hospital. Mr. Vance confirmed that this would not obligate the city to use only the Hospital for these services. The agreement is necessary for the hospital to be able offer the discounts. Without a contract they would have to charge the going rate. The Hospital is offering consultations with practitioners as part of the follow-up process of the wellness fairs. Vance stated that the Hospital is committed to creating a healthier community. Tynan made a motion and Brown seconded to accept the contract with the Hospital. Motion carried with Vance abstaining.

Regular Council Meeting
December 9, 2013 6:30 p.m.
City of Oswego, KS 67356

Retail Business Incentives- OEDC

Councilman Owens took a recess during this portion of the meeting since the discussion of retail business incentives included his business. At the OEDC meeting held November 21st, representatives from four new businesses requested consideration for the retail business incentive of a \$500 utility credit. OEDC is recommending that all four businesses: Mi Pueblo Laundromat, Big Buck Outdoor World, the Crossing-Oswego, LLC and Mi Pueblo Restaurant, be granted the retail business incentive once they have opened. Brown made a motion and Tynan seconded to approve the recommendation and award the retail business incentive to each business but not until the business opens. Motion carried.

Councilmember Owens re-entered the meeting.

Executive Session- Non-elected Personnel

Brown made a motion and Rea seconded to go into executive session for five minutes to discuss non-elected personnel with the Mayor and Councilmembers in attendance. Motion Carried. Executive Session began at 9:09 p.m. and ended at 9:14 p.m.

Rea made a motion and Tynan seconded to go into executive session for another five minutes to discuss non-elected personnel with the Mayor and Councilmembers in attendance. Motion carried. Executive Session began at 9:15 p.m. and ended at 9:20 p.m.

INDIVIDUAL REPORTS

Owens – questioned whether KPERS will distribute the unfunded KPERS dollars back to the cities after seeing an article in the Parsons Sun last week. He believed a Senator made a statement that it would impact cities abilities to issue bonds. Peine had not read the article and said she would look into it.

- asked if any fuel had been sold at the airport and if the sales tax was taken off the fuel invoice. Peine and Jurgensen said there were 76.7 gallons sold at \$5.30 per gallon and yes, the sales tax was removed from the invoice. Owens asked if we had received the grant money for the fuel system and Peine responded that the city had just received the grant funds.

– asked if it was true that there was a 99 year lease on the pasture at the city-owned water pit. Peine said yes. Peine reported that the city could sell the property and retain the water rights but that would affect the price of the sale. The lease would go with the property when it sells.

Peine – the drinking fountain in the lobby of City Hall is not working and it is going to be costly to fix it. She asked if the Council wanted to get it fixed or remove the fountain. Consensus of the Council was to remove it.

Mayor – the Middle School Students are participating in the “If I Were Mayor Contest”. Mayor Fischer asked for volunteers to read and choose the top two essays. Councilmembers Vance and Tynan volunteered.

Regular Council Meeting
December 9, 2013 6:30 p.m.
City of Oswego, KS 67356

– recognized City Clerk, Cheri Peine who is retiring at the end of the month. Mayor stated she would be sorely missed and has done a great job for the City of Oswego and the citizens of Oswego.

15 Minute Public Discussion

There was no discussion from the public

ADJOURNMENT

Brown made a motion and Rea seconded to adjourn the meeting at 9:38 p.m. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Carol Eddington