

Regular Meeting  
August 12, 2013 6:30 p.m.  
City of Oswego, Kansas

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

Absent: Councilmember Bill Owens

Also Present: City Clerk Cheri Peine, City Superintendent Calvin Jurgensen, Deputy City Clerk Carol Eddington, Police Chief George Elliott, Pat Hendricks, Pastor Bob Conway, Dorothy Hensel, Carole McKinley, Joe Royer, Karyn Carpenter, Paula Kern, Larry Richardson, Emily Franks, Meta Tittle, Attorney Rick Tucker, Melanie Phillips and Jeff Dean.

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

Pastor Conway, First United Methodist Church, opened the meeting with a prayer. Council President, Jane Rea, lead the Pledge of Allegiance.

### **PUBLIC HEARINGS**

#### **2014 Budget Hearing**

Mayor Fischer opened the 2014 Budget Hearing at 6:33 p.m.

#### **Condemnation Hearings**

At the June Council meeting, Council took action to begin condemnation proceedings on three properties:

641 Indiana (garage only) – Scott Riley  
22 N. Commercial – Richard Thompson  
1211 First St. – Holly Dantic

There has been no contact from any of the property owners in regards to the condemnation notices they have received. Staff presented resolutions, recommending 30 days for the property owners to have the condemnations abated. Brown made a motion and Tynan seconded to approve Resolution 8-12-13A (641 Indiana), Resolution 8-12-13B (22 N. Commercial St.) and Resolution 8-12-13C (1211 First St.) as presented. Motion carried.

### **RECOGNITIONS**

#### **Carol Eddington, Deputy City Clerk – MMC**

Mayor Fischer recognized Carol Eddington for achieving the designation of Master Municipal Clerk. Clerk Peine, an MMC herself, said that this distinction is earned through many hours of training. There are currently only 36 MMC's in the state of Kansas and only 1,228 worldwide so this is not only a great honor for Carol but also for the City of Oswego.

#### **Brett Trotnic**

Mayor Fischer asked Brett Trotnic to handle several issues that came up while Interim Supt. Jurgensen had to be away from work. Trotnic did a good job even though he was very short-staffed. Mayor Fischer had a Certificate of Recognition made up for him.

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## **PETITIONS AND DELEGATIONS**

### **2012 Audit Report**

Meta Tittle, of Jared, Gilmore and Phillips, went over the audit report with the Governing Body. She reported that the audit showed no material weaknesses or non-compliance issues. She noted that the City's bottom line is a little better this year than last year. The auditing firm had to perform a Single Audit due to the fact that the city spent over \$500,000 in federal funds during the year. They found no compliance issues with the Single Audit either. The Governing Body had no questions for the auditor and thanked her for her report.

### **Craw-Kan Fiber Network Contract**

A copy of the contract was included in the packet but there was no representative at the meeting. Craw-Kan offered free internet service to the city, however, it was unclear whether that included all city locations or not. There was no mention of any fee to be paid to the City for the use of the unused water lines as was discussed when Craw Kan attended the Council meeting in June. Councilmember Vance also noted that the contract said the internet provided to the city would be a 6MG package instead of the 50 MG that was discussed at the June meeting.

Further discussion was held on how to charge for the use of the abandoned lines – per foot or lump sum, initial amount and/or annual amount, etc. Mayor Fischer felt more thought should be put into it than time allowed at this meeting. Councilmembers Brown and Vance volunteered to work on it and bring information back to the Council meeting next month. They asked staff to provide them with the overall length of lines to be considered.

### **Oswego Rec Commission – Disc Golf**

Jeff Dean and Melanie Phillips were in attendance, representing the Rec Commission. The Rec Commission is requesting permission to install a 9-hole, disc golf course at Riverside Park. They will pay for the poles and installation. Council expressed concerns over any part of the course being close to the bluff, the shelters and/or the playground equipment. The Rec Commission would like to do the course in at least part of the park because they feel it will draw more people to the park. The areas by the tennis courts and then behind the fairgrounds were suggested. The Rec Commission needs to order the disc poles by this Friday. Council would like to discuss the placement with the Parks and Community Foundation as well as the Fair Board but felt the Rec Commission could go ahead and order the poles as the Council is in favor of installing a disc golf course somewhere in the vicinity.

The Rec Commission would also like to put a fence around the basketball court out by Riverside Park for safety reasons. Mayor Fischer said the city has some fencing material and they needed to get with Supt. Jurgensen to see what they might be able to use.

### **2014 Budget**

There being no one in attendance to discuss the budget, Mayor Fischer closed the budget hearing at 7:28 p.m. Clerk Peine reported that when the budget was published, she had not yet received the valuation on the hangar at the airport. This does not change the amount of Ad Valorem Tax the city will receive but it does slightly lower the amount of the tax levy from 62.79 mils to

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62.748 mils and shifts taxes received from citizens in Oswego to the owner of the airport hangar. The city does not have to republish the budget since it is lowering the tax levy. Brown made a motion and Vance seconded to approve the 2014 budget with the change. Motion carried.

**Agreement between SKO Railroad, City of Oswego and the KS Dept. of Transportation – Railroad Crossing at 6<sup>th</sup> St.**

“An agreement between the South Kansas and Oklahoma Railroad Company, the City of Oswego and the Secretary of Transportation of the State of Kansas, relative to the construction and maintenance of Highway Crossing Signals under Section 130, United States Code 23” was presented. This agreement provides for the installation of the railway-highway crossing signals, flashing light straight post type and gates at a grade crossing on 6<sup>th</sup> St. in the City of Oswego, Kansas. The signals will be funded with a 100% grant by KDOT. The city’s responsibility is to install and maintain advance warning signs. The required signs are currently in place. The city is responsible for replacing them if they are damaged or are in disrepair.

Brown made a motion and Tynan seconded to approve the agreement as presented. Motion carried.

**2013 Audit Services**

Jared, Gilmore & Phillips has submitted a proposal for the 2013 Audit in the amount not to exceed \$5,200. If the city is subject to a Single Audit, there would be an additional fee of up to \$1,900. These amounts are \$200 (for each) above the amount paid for the 2012 Audit. Clerk Peine asked whether Council wanted to accept this proposal or go out for bids. After some discussion, Tynan made a motion and Rea seconded to approve the proposed agreement from Jared, Gilmore & Phillips for the 2013 Audit. Motion carried.

**Purchase of Land (Housing Development)**

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

Rea made a motion and Bringle seconded to approve the Mayor’s signature on the contract. Motion carried with Tynan and Vance voting no.

**City Code Revision**

Mayor Fischer suggested this item be discussed at a special meeting since the agenda for the evening is fairly lengthy and discussions on the Code revision could take a while. Council agreed.

**Resolution – City Fees**

It was determined to discuss this at the special meeting along with the Code since they go hand in hand.

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**Lease/Purchase Agreement with Labette Bank – Backhoe**

Jurgensen said the backhoe will be purchased from Victor L. Phillips in Joplin. He said that they have needed a new backhoe for several years but now, the old backhoe would not be able to dig deep enough for some of the new water lines installed with the recent project. Also, some of the lines are in rock trenches and a hi-ram comes with the new backhoe.

Clerk Peine said the city will put 20% down now and make four payments (one each year) to Labette Bank for the balance – beginning in 2014. The backhoe will be purchased from funds in Highway, Water and Sewer. Tynan made a motion and Brown seconded to approve the purchase of the backhoe and the Lease/Purchase Agreement with Labette Bank. Motion carried.

**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). Clerk Peine said another bill for Labette Construction (Perry Summy), for the shelter at Schmoker Park, was received today and asked that it be added to the bills to be approved. Peine explained that the city is paying the bills and then will send a bill to the Parks and Community Foundation based upon the final cost. Mayor Fischer said some money needs to be spent on sidewalks at Schmoker Park. It was also noted that the old bridge needs to be removed.

The Consent Agenda also included appointments to the Tree Board and Planning Commission:  
Tree Board – Susie Fitzsimmons, for a term to expire January, 2015  
Planning Commission – Regan Monroe for a term to expire May 2016.

Brown made a motion and Bringle seconded to approve the Consent Agenda with the addition of the bill to Labette Construction. Motion carried.

**OLD BUSINESS**

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

Clerk Peine noted that the issues the city has with this contract are really not critical for this type of contract since there is no construction being done with this project. Staff has put a lot of work into this and is concerned about it being delayed due to issues that really do not pertain to this type of project.

Rea made a motion to approve the contract with the one change that SKW agreed to. Motion died for lack of a second. Brown noted that if the items do not really matter in this type of contract, then SKW should not mind removing them. After further discussion, Attorney Tucker said that he would speak to SKW again and try to negotiate the agreement.

**NEW BUSINESS**

**Appointment of City Superintendent**

Mayor Fischer appointed Calvin Jurgensen as City Superintendent. He said that Calvin has done a fine job during the interim and he has been very impressed. Tynan made a motion and Brown seconded to approve the Mayor’s appointment of Calvin Jurgensen to City Superintendent. Motion carried. Council congratulated Calvin.

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**Condemnation – Oswego Professional Building – 321 Commercial**

Chief Elliott reported that he has spoken to Wass but Wass has not made it to Oswego yet to take a look at the building. The survey that the city conducted on what the citizen’s wanted done with the building revealed 43% said to remove the building, 34% save the building only if the cost is not significantly higher than demolition and 20% said to save the building at any cost.

Clerk Peine had prepared a resolution that would begin the condemnation process if that is what the Council wanted to do. Tynan made a motion and Brown seconded to approve the Resolution (8-12-13D) and begin the condemnation process. Motion carried with Bringle voting no.

**Free Land Application – Recommendation from Oswego Housing Committee – Mark LaTurner**

LaTurner submitted an application under the Free Land Program for property the city owns on South Ohio. The Housing Committee has recommended Council award one half of the property to LaTurner for free under the program and if he wants the other half of the property, that he pay \$3,000. The property is 200’ x 170’. Clerk Peine reported that LaTurner said they have made an offer on another piece of property but if that falls through, they are still interested in this one.

Clerk Peine explained that this piece of property had actually been for multi-family use and had been taken off of the new home giveaway list. The property is right by the nursing home and Countryside Apartments. However, the property is zoned Residential. Councilmember Rea said that part of the reason the Housing Committee made this recommendation is that there are no developers clamoring to build multi-family housing units in Oswego and they would rather see a house there than nothing.

After further discussion, it was determined to table the request for now and if LaTurner determines that he really wants this property, the Council will revisit it.

**Security System**

Chief Elliott is seeking quotes for the purchase of a security system. He reported that he is playing phone tag with a company right now.

**Street Project – Bid Opening**

Bids from three companies were received:

Swift Construction Company, Inc.	\$196,284.62
Blevins Asphalt	\$207,225.00
Teeter’s Paving, LLC	\$238,817.00

This year, the bid specs listed KDOT specs on asphalt mix, however, there were no companies from Kansas that bid on the project. The companies from Missouri meet the Missouri standards. Supt. Jurgensen checked out the specs and said they are not much different, just the aggregate materials used due to different location. If the companies were required to use Kansas aggregate materials, it would raise the cost of the project since they would have to ship materials from Kansas to their plant.

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Swift construction is the company that did the last project but Supt. Jurgensen noted that they will not use the same material as they did last time. They also told Supt. Jurgensen that they would mill off some of the old spots and do spot repair while they are here in the areas where previous work was done.

Mayor Fischer noted that on Bud Coons Blvd, the overlay is peeling off of the base only on the one side – where heavy grain trucks come into town. He would like for the County to take a look at it and suggested that he and the Superintendent address the County Commissioners on the subject.

Brown made a motion and Bringle seconded to award the project to Swift Construction. Motion carried.

### **INDIVIDUAL REPORTS**

**Vance** – said that 719 Illinois is an eyesore. The property is overgrown with weeds and bushes; there is an abandoned van on the property, etc. Also, across the street from her house, behind the car wash, the property owner only mows once every two weeks or so and that property does not look good. Chief Elliott said he thought that someone bought that place and is working on it when he comes to town.

**Brown** – asked about the houses on Union St. – they are eyesores, the mowing has not been kept up – they need to be condemned. She also noted that there is a vehicle with flat tires that is down in the ravine behind 4 Commercial St. and the property is getting junky.

**Bringle** – reported that the picnic table at the water pump house is crushed in and broken down. Supt. Jurgensen said he thought it just needed the top planks replaced but he will check on it.

**Rea** – noted that she attended the Airport Board meeting but was not on the list of attendees. Clerk Peine said she will fix that.

**Mayor Fischer** – asked that a bathroom for Schmoker Park be placed on the agenda for next month. It was noted that the recently painted areas in the park look nice. Discussion was held on parking for the Farmer's Market – possibly putting in crosswalks – possibly offering to mow property in order to use it for parking, etc.

### **ADJOURN**

Brown made a motion and Rea seconded to adjourn the meeting at 8:50 p.m. Motion carried.

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Mayor Glenn Fischer

Attest:

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Deputy City Clerk Carol Eddington