

Regular Council Meeting
February 10, 2014 6:30 p.m.
City of Oswego, KS 67356

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

Absent: Councilmember Dee Brown.

Also present: City Superintendent Calvin Jurgensen, City Clerk Carol Eddington, Asst. Chief of Police Brandon Conrad, City Attorney Rick Tucker, Fire Chief Donnie Allison, Asst. Clerk Renee Cochran, Pastor Steve McBrien, Jon Eck, Cindy Dean, Easton Dean, Pat Hendrickson, Carole McKinley, Paula Kern, Larry Richardson, Bill Cunningham, Rena Russell, Dale Spaht and Brenda Richardson.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Pastor Steve McBrien, Assembly of God Church, gave the opening prayer and Councilmember Vance lead the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITIONS

If I Were Mayor Contest Winners

Easton Dean from Class 7b attended the meeting and read his winning essay. Easton's essay stated, as Mayor, he would focus on developing business, keeping the crime rate down and maintaining the budget. Other duties he felt were of importance were paying attention to the parks and attending the Council Meetings. Mayor Fischer congratulated him on a job well done and presented him with an individual swim pass to the city swimming pool.

Courtney Bates, winner from class 7a was unable to attend due to illness.

PETITIONS AND DELEGATIONS

Fire Truck Repairs Update – Donnie Allison

Fire Chief Allison reported 1st Due has revised its quote to make repairs to the pumper truck. Once they began working on the truck they found that the pump needs to be rebuilt. These repairs are estimated to cost \$10,032.16. 1st Due and the Fire Department feel the truck is still a good truck and that a new one is neither affordable nor warranted.

Clerk Eddington said the entire vehicle maintenance budget for the fire department is \$5,500 per year. Currently there is no money set aside in Capital Improvement or Municipal Equipment specifically for Fire Dept. vehicles. An option would be to borrow the money from one of these funds and then repay the fund at the end of each year with the unused truck maintenance budgeted amount. There is \$2,365 that can be transferred from 2013 to begin the repay. Owens suggested that the amount of vehicle maintenance for the fire department be increased for subsequent budgets due to the aging fleet.

Councilmember Vance made a motion and Owens seconded to borrow funds from the Capital Improvement Fund to fix the truck and repay the fund with any unused budgeted maintenance amount at the end of each year. Motion Carried.

Regular Council Meeting
February 10, 2014 6:30 p.m.
City of Oswego, KS 67356

Increase In Fire Protection Area – Jon Eck

Jon Eck, Fire Department Co-Captain wanted Council to be aware that the Fire Department will now be servicing a larger area. Day & Zimmerman owns 4,000 acres in the Great Plains Industrial Park. When this area was previously owned by the Federal Government they provided their own fire protection. Now that D&Z owns this area they have begun to pay fire protection taxes to the Montana Township so the city is required to service this area. The area still has buildings that house ammunition and toxic chemicals. Council asked Eck and Allison to check on what kind of additional equipment or training will be needed. Eck said that D&Z is willing to let them tour the area. This would enable them to check into where dangerous or toxic materials are stored. They would then have an idea of whether additional training or equipment was needed. Councilmember Owens asked Clerk Eddington to check and make sure the city is receiving the tax revenue. Eck thought the tax revenue could be around \$800 per year.

Housing Subdivision Name – Housing Committee Recommendation

Before approving the final plat for Phase 1, the city must choose a name for the subdivision and the street. Mayor Fischer had asked the Housing Committee to come up with a recommendation to the Council for these names. The Housing Committee recommendations for the subdivision are:

Iron Hawk Estates (named for the Peace Chief of the Osage Nation in 1850's)
Stone Hill Estates

Suggested street names:

Prairieview Drive

Southwind Drive (Kansas = people of the south wind)

After some discussion Mayor Fischer asked those attending the meeting what their preference was by a show of hands. The name chosen for the subdivision was Stone Hill Estates and the name chosen for the street was Southwind Drive. Owens made a motion and Vance seconded to accept the recommendation of Stone Hill Estates and Southwind Drive. Motion carried.

Housing Subdivision Plats - Anderson Engineering, Bryan Osborn

Bryan Osborn attended the meeting to discuss sewer options and cost estimates for Phase I. At the January 20th Planning & Zoning meeting, Anderson Engineering presented the preliminary plat for the entire subdivision and the final plat for Phase I. The Planning and Zoning Commission voted to approve the plats and recommended Council approval as well.

Discussion was held on the sewer options. A gravity line could take care of lots 1-6. The remaining lots in Phase I would need to be serviced by grinder pumps or force main and a lift station. Grinder pumps would cost approximately \$8,000 per lot. Osborn said the lift station would be placed between lots 10 & 34 and could service the whole subdivision. The lift station would cost approximately \$200,000 (lift, force main and enough pipe for all 17 lots in Phase I).

Superintendent Jurgensen recommended installing the lift station. It would be constructed before the streets allowing for the lines to be installed at a deeper level. Although this would be savings

in the long run it, would require a greater up-front expense. There was concern that grinder pumps are not as reliable and could make the lots less marketable. In addition, if a lift station was added at a later date the grinder pumps would no longer be needed and would become an unnecessary expense.

Councilmember Tynan entered the meeting at 7:26 p.m.

Bringle suggested that the decision be tabled to allow for time to digest the information. Mayor Fischer asked about a cost estimate to develop the entire subdivision. Osborn said he would try to provide additional cost estimates by the end of the week.

ORDINANCES, RESOLUTIONS and AGREEMENTS

Boundary Resolution

A new Boundary Resolution was presented for council approval. The annexation of the Jennings property changed the boundary of the city limits requiring the filing of a new boundary resolution. The resolution was prepared by Jeanette Graue and sent to Attorney Tucker for review. Rea made a motion and Bringle seconded to approve the new Boundary Resolution (2-10-14A) as presented. Motion carried.

Revised Easement-Streambank Project-Strickland

A revised easement with Albert Strickland for the Streambank Project was presented. Matt Eblen, the Project engineer with Shafer, Kline & Warren, informed the city that the measurement figures on the initial easement with Albert Strickland were incorrect. For the plantings along the bank, the size of the easement needed to be increased. Eblen provided the correct information to the city which was then sent to Attorney Tucker so he could make up a new easement. The easement has been signed by Albert Strickland. Attorney Tucker said no action was required. Council suggested looking into whether the easement would require annexing the area.

Fiber Optic Internet – Craw-Kan – Amended Agreement

At last month's Council meeting, Attorney Tucker made a couple of recommendations of changes to the amended agreement Craw-Kan had submitted. (to name the city as additional insured on Craw-Kan's general liability policy and include the fact that Craw-Kan said they would agree to increase the connectivity speed on a temporary basis when necessary) Council approved of these recommended changes and Clerk Eddington sent Craig Wilbert, Craw-Kan Telephone General Manager, an email stating what the Council would like to see included in the agreement, upon advice of Counsel.

Wilbert's reply was that "they feel the language is about as good as it can get". They feel the liability insurance section "more than covers the issue". He stated that they have dozens of communities covered under the same language without adding anything city specific and as for the "temporary bandwidth increases, we will be easy to work with".

Eddington also asked him about whether the wireless internet at the water plant would reach the swimming pool and he said that "yes, they could make the Wi-Fi reach from the water plant to the swimming pool". Attorney Tucker and Council felt that the changes should be included in

Regular Council Meeting
February 10, 2014 6:30 p.m.
City of Oswego, KS 67356

the agreement as they requested. It was pointed out that Craw-Kan's agreement states that only that which is agreed to in writing is binding. Councilmember Vance made a motion and Tynan seconded to have Attorney Tucker write a letter directly to Craw-Kan requesting again that these changes be made to the agreement. 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. Two corrections were requested to the January 13th, 2014 minutes. Bringle asked that Councilmember Brown's name be added to the sentence that listed those who volunteered to contact people to attend an informational meeting regarding the need for a sales tax increase. Bringle also requested a change to the last paragraph regarding Funding for the Library. The sentence read "Bringle made a motion and Brown seconded to give \$5,000 to the library now from the Capital Improvement Fund for the 2013 year and pay it back when we receive funds to cover the amount." She requested the sentence end after the words "2013year" and the rest of the sentence be stricken.

Appointments – Tree Board

The Consent Agenda included the Mayor's re-appointment of Kristi Ruttgen to the Tree Board for a three year term, expiring January, 2017.

Tynan made a motion and Rea seconded to approve the Consent Agenda with the changes to the minutes. Motion carried.

OLD BUSINESS

Water Project– Streambank/ Dam Project

Financing- Gilmore and Bell

Gilmore and Bell provided the G.O. Bonds documents for the funding for this project. The total project cost is \$1,500,000 - \$832,000 in loans and \$668,000 in grant funds. There are two separate bond issues due to the loss of FEMA funds after the first funding had already been set into motion. GO Bond Series 2014-1 (\$423,000) and GO Bond Series 2014-2 (\$409,000). Attorney Tucker stated that he had reviewed the bond documents. For each of the bond issues there is a Resolution and an Ordinance that require Council action.

"An ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 2014-2, of the City of Oswego, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith: and making certain covenants with respect thereto" was presented. Tynan made a motion and Rea seconded to approve the Ordinance for G.O. Bond Series 2014-2 as presented. Motion carried. Clerk assigned it Ordinance #1316.

Regular Council Meeting
February 10, 2014 6:30 p.m.
City of Oswego, KS 67356

“An ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 2014-1, of the City of Oswego, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith: and making certain covenants with respect thereto” was presented. Rea made a motion and Tynan seconded to approve the Ordinance for G.O. Bond Series 2014-1 as presented. Motion carried. Clerk assigned it Ordinance #1317.

Rea made a motion and Bringle seconded to adopt Resolution 2-10-14B for G.O. Bond Series 2014-1 as authorized by Ordinance #1317. Motion carried.

Rea made a motion and Bringle seconded to adopt Resolution 2-10-14C for G.O. Bond Series 2014-2 as authorized by Ordinance #1316. Motion carried.

Change Order #2- Remove Steel Railings

This change in the original specs has been discussed at the pre-construction conference and Superintendent Jurgensen touched on it at the January Council meeting. However, it was not included in Change Order #1. It deletes the 1 ½” steel railing they were going to place along the steps. With further review of the river by the city and engineer, it was determined that the railing would not hold up to the force of the river during high water conditions. Tynan made a motion and Rea seconded to approve Change Order #2 as presented. Motion carried.

Pay Request- R.A. Knapp Construction

R.A. Knapp presented their first pay estimate for the project - \$194,625.00. Matt Eblen, the engineer on the project has signed off on the pay request and Supt. Jurgensen has also reviewed the request. Clerk Eddington noted that since the city is not doing temporary financing, the pay request will be paid for out of the water surplus funds and then reimbursed when the financing comes through. Rea made a motion and Bringle seconded that the pay request be approved. Motion carried.

Housing Projects

CDBG Housing – Owner Rehab- 111 Wisconsin

At the January Council meeting, Council awarded the contracts for rehab of four houses in the project. The contractor awarded the job at 111 Wisconsin, D&D Construction, has now refused the job due to business problems they are experiencing. Therefore, the Council needs to award the bid to a different contractor. Galemore suggested awarding the bid to the next lowest bidder - Larry Ewing whose bid was \$20,400. She said the bid is still within CDBG guidelines. (D&D’s bid was \$19,150) Rea made a motion and Bringle seconded to award the contract to Larry Ewing. Motion carried.

Housing Development

a. Land Lease Information

Clerk Eddington met with Shawn Carter January 29th and provided Council with his recommendations for the property (assuming the city puts up a fence from one end of the

property to the other outside of the Phase 1 area as previously discussed.) Carter suggested:

- If the city is not going to sell the house on the property (along with some ground including the arena), he suggested selling the arena.
- Contract with someone with stocker calves 400 – 600 lbs for the grass season (approx. April 15th – September 30th)
- Require them to rotate the location of the cattle so the grass is not ruined anywhere on the property. (saving it for future years)
- Charge per head per week – price depends on whether the city furnishes the water or the renter has to haul water in.
- Suggested including a stipulation that if there are drought conditions and the property is being overgrazed, the cattle must be removed (if city does not want to allow hay to be brought in) Or the city can put in a stipulation on grass height.
- He felt that acreage could facilitate 20 head all season without worrying too much about drought but if the city wanted to maximize revenue, they could allow 40 head on the property from spring through July 14th and then the renter would need to take the number down to 20 for the rest of the season.

After discussion it was determined that in order to lease out the property there would be added expense in building fence and stock tanks. Owens suggested leasing out the property for hay.

City Attorney Tucker and Zoning Consultant, Yearout, advised that the city would have to go through the same process as anyone else seeking a special exception in order to have barbed wire or electric fence placed on the property. Superintendent Jurgensen estimated the cost for fencing to be around \$900 – 1000.

After further discussion Council agreed rather than spend additional money to make the property ready for cattle, it would be better to lease out the property for hay. The standard lease agreement for hay would be that the owner (city) would receive 1/3 of the revenue and the lessee would receive 2/3's. The cost for fertilizer would be split equally. Supt. Jurgensen said the city will go out for bids on haying in March. There are other properties the city owns that will be included in the bid specs also.

c. House on Property

Stuart Nelson, S & A Construction, met with Calvin to tour the house in order to get an estimate for the repair costs necessary to rent out the property. An estimate was provided for labor and materials in the amount of \$11,204.

Council considered whether the cost to repair the house would take too long to recoup and expressed concerns with the difficulties of being a landlord. After discussion, Council agreed that they would sell the arena and then possibly use those funds for the

Regular Council Meeting
February 10, 2014 6:30 p.m.
City of Oswego, KS 67356

repair of the house. Rea made a motion and Tynan seconded to sell the arena by putting it out for bids with specifications and include a right of refusal. Motion carried.

Attorney Tucker suggested Elliott and Jurgensen write up specifications for removal of the arena such as how to handle buried wire, pulling up the pipes and filling holes. Clerk Eddington will contact S& A Construction to let them know that the project has been tabled until next month.

At 8:41pm Mayor Fischer requested a five minute break. The meeting was called back to order at 8:47 pm.

NEW BUSINESS

Resolution on City Fees - adding VIN's

Resolution 2-10-14D was presented for approval. This revises the current resolution which lists the various city fees by including the fee the city charges for the police department doing VIN inspections. Bringle made a motion and Rea seconded to adopt Resolution 2-10-14D. Motion carried.

Strategic Planning Session

Mayor Fischer reported that the Planning Session was a successful meeting despite the bad weather. The facilitator has provided a draft of the plan. The city office will be sending this out to all who were invited to attend and will ask for their feedback. The final Strategic Plan will be posted on the city's website.

Project Prom – Donation Request

Oswego High School Project Prom submitted a donation request. For the last several years, the city has donated \$200. Rea made a motion and Vance seconded to donate \$200 to Project Prom. Motion carried.

Retail Business Incentive – OEDC – Josh Fiscus

OEDC members met February 6th and heard information from Fiscus on his real estate business, Mossy Oak Properties. Fiscus has purchased the old J& S Auto car lot property for his business. OEDC recommended Council grant the \$500 utility credit retail business incentive to Fiscus. Bringle made a motion and Rea seconded to approve the \$500 utility credit. Motion carried.

Pool Bathhouse Roof

George Elliott reported that he plans to type up a contract and send it to the State Historical Society for their approval. Elliott estimated the project cost at \$30,000 - \$32,000. He stated that he plans to follow the architect's recommendations.

Alternate Water Pit Testing – Layne Western Proposal

A representative from Layne Western met with Calvin at the pit in January. They have provided a proposal for manpower, equipment and materials to monitor water levels in the pit. The City would be responsible for the cost of fuel for the pump and re-fueling operations during phase 2 testing. The quote for \$16,846 did not include any amounts for bonds, permits or specialized

insurances that might be required. Jurgensen stated they are looking at other more cost effective options.

INDIVIDUAL REPORTS

Owens –asked if any fuel was sold at the airport. Jurgensen said none had been sold in last 30 days. Bringle said that Charles Stone believes one of the area crop dusters is interested in purchasing fuel for their business. She stated that this could amount to 500 gallons every couple of days during the crop dusting season and wondered if it would be beneficial for the city to offer some kind of price break for volume users. Council suggested someone from the Airport Board look into this. Bringle said that she would talk to Tom Bringle who is on the board.

Bringle – said she would provide some information to the other Council members about a House Bill the State wants to pass which would change city elections to be included with fall elections and require filing a party affiliation.

Rea – thanked Supt. Jurgensen & Brett Trotnic for working on their grinder station.

Mayor Fischer – presented a bill from Clifford Davis for \$85 to clean out their sewer line. Davis said that they had cleaned out their line several times and that the problem was on the city's side. Supt. Jurgensen and Mayor Fischer met with Davis and checked the man hole by his property. Since there was no water backed up in it which would indicate sewer back up and no neighbors were reporting any problems, Jurgensen felt the problem was not in the city's main line. Tynan made a motion and Vance seconded to deny the claim. Motion carried.

- Reminded all of the Public Meeting on Wednesday at 7:00pm on sales tax.

Eddington – reported that Carolyn Stull called to thank the city crews for cleaning the snow off her street.

- Notified Council that the "City Day on the Hill" had changed to Feb. 19th. It was previously cancelled due to bad weather. Anyone wishing to attend, needed to contact her.

15 Minute Public Discussion

Brenda Richardson – asked if the person from Stark was contacted about doing the work on the Pool Bathhouse Roof. She said it was his area of expertise. Owens said he gave the name and number to previous City Clerk Peine. Clerk Eddington said that the information was given to Peine after the Council had already asked Chief Elliot to look into putting something together after no bids had been received to do the project. Mayor Fischer didn't think it would be fair to ask someone else to do the work after Elliott had put in so much time and leg work into the project.

Carole McKinley – said she appreciated Sunset Drive being snow plowed. She said it had not been plowed in years past and was nice to have it done.

Regular Council Meeting
February 10, 2014 6:30 p.m.
City of Oswego, KS 67356

ADJOURNMENT

Rea made a motion and Bringle seconded to adjourn the meeting at 9:25pm. Motion carried.

Mayor Glenn Fischer

Attest:

Assistant Clerk Renee Cochran