

Regular Council Meeting  
June 9, 2014 6:30 p.m.  
City of Oswego, KS 67356

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

Also present: City Attorney Rick Tucker, City Superintendent Calvin Jurgensen, City Clerk Carol Eddington, Police Chief George Elliott, Assistant Police Chief Brandon Conrad, Accts Payable/Municipal Court Clerk Tracy Brannin, Ken Foster, Dan Chapman, Heather Brown, Pat Hendrickson, Paula Kern, Larry Richardson, Bill Cunningham, Brenda Richardson, Karen Carpenter, Marna George, Liz Turner, Carol McKinley, Nancy Korinek, Johnathon Stephens, Breann Stephens, Tim Fuller

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

Rick Tucker, City Attorney gave the opening prayer and Councilmember Brown led the Pledge of Allegiance.

A Public Hearing was to be held first but due to another commitment of Planning & Zoning President Dan Chapman, Mayor Fischer asked if anyone had objection to moving it after hearing a petition for a street vacation. There was no objection.

### **PETITIONS AND DELEGATIONS**

#### **Planning & Zoning, Dan Chapman, President-Vacating Street**

Dan Chapman, President of Planning & Zoning presented council with information resulting from a public hearing held for the matter of the vacation of Illinois St. between A St. and B St. and B St. between Michigan St. and Illinois St. Chapman said one resident voiced concern but no written opposition from any adjoining property owner was presented before or during the public hearing. Council questioned and discussed who the vacated property would revert to. Chapman said, as they understand it, the property to the east of Illinois street would revert to Tim Fuller and the Michigan street property would revert to Brenda Richardson, but that was a legal issue and not a determination of Planning & Zoning. Rick Tucker agreed and also stated that utility easements will remain as authorized by statute. Chapman said the recommendation of the Planning and Zoning Committee is to vacate both streets. Mayor Fischer gave adjoining property owners the opportunity to speak for a maximum of 3 minutes each. Brown made a motion and Bringle seconded to approve the recommendation of the committee to vacate both streets. Motion carried with Owens and Tynan voting no.

### **PUBLIC HEARING**

#### **Condemnation – 115 Union St.**

Johnathan & Breann Stephens appeared before Council. Johnathan stated that they have been purchasing the house on contract for the past 3 years. He has purchased building materials that are inside the house. He will be replacing the doors, windows, and the asbestos siding. He has new OSB siding for the outside of the house. He has put in all new electrical. He said he has been working out of town and has not been able to work on it but now has a job in Parsons and he thinks he can finish it within 2-2 ½ months. His Father-In-Law is a contractor in Parsons and Ms. Stephens said he will be supervising the job. Council asked if he had a copy of a purchase contract. Stephens stated he had a Quit Claim Deed but not with him. Mayor Fischer said it appeared that they have a plan. With no further discussion, Mayor Fischer closed the public

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hearing. Owens made a motion and Tynan seconded that Stephens be allowed 6 months to complete the renovations. Motion carried.

## **PETITIONS AND DELEGATIONS**

### **Labette County Fair Board – Temporary CMB – Ken Foster**

Ken Foster, Labette County Fair Board, appeared before Council to request a Temporary Cereal Malt Beverage License for the week of the Labette County Fair, July 22 through July 26. The beer garden will be set up on the East side of the McKinzie Family Arena and 3.2 beer is all that will be served. They have had no trouble the past couple of years and think it has even helped to eliminate past trouble that had occurred outside of the beer garden. It is their 2<sup>nd</sup> largest money maker and this year they will have a music show, bar-b-que contest, demo derby, and 2 nights of rodeo. Tynan made a motion and Owens seconded to approve the Temporary CMB License. Motion carried with Vance voting no.

## **CITY ATTORNEY**

### **Oswego Library Funding- Request for Increase in Mil Levy**

The Library Board is proposing an increase from 3 mil to a 5 mil tax levy for the Library. Council discussed whether they needed a Charter Ordinance or if a line item on the budget could be created to allow for an amount equal to what the 2 mil increase would calculate. City Clerk Eddington stated that she recently attended a state budget meeting and it was her understanding that a Charter Ordinance would need to be created to make changes to the current mil levy set by a Charter Ordinance. City Attorney Tucker said he saw no reason that an amount could not be budgeted through the general fund. Further council discussion was to put it on the ballot and let the voters decide. This is not an option due to timing and the ballot has already been created for the next election. If the amount is added through the budget process there is a provision to protest if the taxpayers do not agree. A preliminary budget proposal should be available for the July meeting. Brown made a motion and Owens seconded to leave the Charter Ordinance as is and during the budget work session see if the extra mils could be included in the budget. Motion carried.

## **CONSENT AGENDA**

The Consent Agenda including minutes from regular and any special meetings, accounts payables check registers for the month, payroll checks and utility deposit refund checks for the month. Rea made a motion and Brown seconded to approve the consent agenda. Motion carried.

## **OLD BUSINESS**

### *Nuisance Violation - 627 Ohio – Brown*

Superintendent Jurgensen reported that he continues to monitor this and the property owner is making progress.

### **Water Project – Streambank/Dam Project**

*Knapp Construction Pay Estimates #4 and #5*

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Clerk Eddington reports that invoices have been received from the engineer for contractor pay estimates #4(\$141,268.50) and #5 (\$123,885.55). The engineer advised that the punch list items have been satisfactorily addressed by the contractor and therefore concurs with the reduction in retainage on Pay Request #5 to the 5% amount requested. The only work remaining on the project at this time are portions of the work authorized in Change Order #3. Superintendent Jurgensen reports that no damage has resulted from the recent high water. One railing tripped as anticipated, the other did not as there was not enough force to make it do so. Owens made a motion and Rea seconded to approve the pay requests. Motion carried.

### **Zoning Regulations Revision, Subdivision Regulations, Manufactured Home & RV Regulations**

Clerk Eddington reports that the County property listing has been compared with our data base and the County now has the same zoning designations that our data set has. It was discussed by Council whether new regulations would adversely affect a customer currently operating a mobile home park partially within the city limits. Attorney Tucker stated that those operating prior to the regulations revision would not be affected. Eddington then stated that everything is now zoned according to the land use at the time the Planning and Zoning Commission was going through this process, however she received a recent request to keep two properties along the highway as zoned commercial property. Since the correct zoning map was not available at the time of the public hearing held on May 22, 2014, Council advised Planning and Zoning Commission to hold another public hearing and discuss leaving the two parcels in question zoned commercial at that time. Then make a recommendation to the Council.

### **Downtown Demolition Grant**

Susan Galemore, grant administrator with SEKRPC reported at last month's council meeting the need for Council to decide whether to accept the grant offer made through the Dept. of Commerce. If Council moves forward with the grant, she will need to begin the Environmental Assessment process right away. Mayor Fischer opened the discussion by asking if there was a motion offered. Brown made a motion and Tynan seconded to accept the Grant. Motion carried. Eddington says she spoke with Kevin Cowan of Gilmore & Bell about a 10 yr. Bond Issue that would be an option for funding the cities portion of this expense but the Council needs to decide what amount to set for bond authority. The cost estimates for this project were submitted about a year ago while preparing the grant application so bids may come in a little higher. The grant match for the city is expected to be \$123,000.00 and the cost of the bond issue approximately \$3,000.00. Brown made a motion and Owens seconded to set the Bond Authority at \$150,000. Motion carried. Council Member Tynan was absent the room for the vote.

### **Community Building Canopy**

Last month Superintendent Jurgensen met with a representative from LaForge & Budd at the Community Building to discuss the condition of the Canopy/Awning in the front of the building. Council requested that the City's insurance carrier assess the damage to the Canopy/Awning prior to LaForge & Budd proceeding with any repair. This item will be reviewed at next meeting.

### **Schmoker Park Sign**

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Council discussed the need for a replacement sign for Schmoker Park. The sign is in need of repairs and the dates listed that the Farmers Market is open is incorrect. Wright Signs in Parsons provided a design for a new sign at a cost of \$700. Superintendent Jurgensen serves on the Parks & Community Foundation and discussed the sign at their last regular meeting. The Foundation determined they did not want to participate in the cost of the sign. He also spoke with Rita Schmoker and she was very pleased with the design and was partial to the blue one. Discussion was held on whether the old sign could be refurbished or whether the Farmers Market individuals might want to share in the cost of the sign. Council suggested that Jurgensen speak with individuals from the Farmers Market. No action was taken.

### **Wellness Fair**

The Wellness Fair is a component of our proactive approach to keeping health care costs down. Over the years there have been unknown health issues brought to light by this testing, allowing the employee to begin treatment before the issue became life threatening. Mayor Fischer, Council President Jane Rea, City Clerk Eddington, Deputy City Clerk Cochran and City Superintendent Jurgensen met with representatives from both Labette Health and Oswego Community Hospital on May 15, 2014. During the meeting Labette Health presented a price list for their services which were the same ones that they charged in 2012. Both groups will come to City Hall to perform the tests. Oswego Community Hospital proposes to base which tests are done to whom upon a health assessment questionnaire that each individual employee fills out and turns in ahead of time. A practitioner from the Hospital will look over the questionnaire and at the time of the Health Fair meet with the employee to discuss which 6 tests they recommend for that employee. Oswego Community Hospital said that they will perform the same tests that we have had done for the last few years at the price that Labette Health would charge us but this price would not include having a practitioner present or any of the follow up education they could provide. Both groups will provide the city with an aggregate risk assessment and provide each employee their test results. Labette Health will provide each employee a profile that includes a risk assessment and trending of their test results from the previous year(s). Tynan made a motion and Rea seconded to support the local community and go with Oswego Community Hospital health screening, the \$95.00 option and Rea seconded. Motion carried with Vance abstaining.

### **NEW BUSINESS**

#### **Brush Dump Hours**

Due to the lack of business at the brush dump on Thursdays, Superintendent Jurgensen requested that the brush dump be open on the 3<sup>rd</sup> Saturday of each month and Thursday's by appointment only. Rea made a motion and Brown seconded to change the brush dump hours to be open on the 3<sup>rd</sup> Saturday of each month and on each Thursday by appointment only between the hours of 8AM and 4PM. Motion carried.

#### **Questions on Agenda Item #9 - FYI**

Council questioned how there could be negative numbers on the Water Loss Report. Superintendent Jurgensen said that there was an issue with the meter function at the water plant during renovation of the silo. They have been keeping track manually and the numbers will be

corrected on next month's report. The electrician was there on the 19<sup>th</sup> & 20<sup>th</sup> and reconnected the meter.

### **Neighborhood Revitalization Plan – Renewal**

Last month Council asked about whether Woodcliffe Heights and Riverview additions could be included in the Neighborhood Revitalization Plan. Clerk Eddington reported that State Statutes prohibit the entire municipality from being included in the Neighborhood Revitalization area. As for these two additions being added, State Statutes have determined that the area must: have either a predominance of buildings that are in a state of dilapidation, deterioration, etc. or be an area by reason of the presence of a substantial number of deteriorated or deteriorating structures, faulty lot layouts, incompatible land use, economic or social liability, etc. or an area in which there is a predominance of buildings which by reason of age or significance should be preserved or restored to productive use. This is not the case for these additions. After Council discussion it is requested that C-1 and C-2 be revised to include more general revitalization terminology versus specifying the use of the proceeds for sidewalks. The revised plan will be brought back for Council review at the July meeting.

### **INDIVIDUAL REPORTS**

**Owens** – asked where we are on getting the bridge on Crane St repaired. Superintendent Jurgensen said he could no longer get a response from the guy at Caney. He has contacted a man from Walnut and he is in the process of cutting the bridge planks needed

- there are noxious weeds growing on the Jennings property. Jurgensen will get those taken care of.

- said he had been asked if the wording on the one cent sales tax renewal ballot (that includes the phrase that the sales tax money may be used for development of streets) meant that the money could be used for streets in the new addition. Mayor Fischer responded that it probably could but was not intended for that use. Other members responded that the wording on this ballot is exactly the same as it was five years ago. It was also noted by Council that the Sales Tax Streets account currently has a balance of \$384,874.71 and could have already been used for that but that is not the intent of the Council for use of the one cent sales tax money. Development costs were discussed as being paid by those that purchase lots.

Jurgensen – The ditch has been cut below the campgrounds and is flowing nicely.

- said he was approached about whether lots in Hillcrest addition could be sold for purposes other than to build a new house. As these are nice lots along Vermont St. the response by council was – no.

Eddington – Rick Cook normally plays for the 4<sup>th</sup> of July but his cost this year increased from \$550.00 to \$650.00 and the Fire Chief did not feel that they could absorb the increase unless Council determined to pay for the increase from elsewhere. Paula Kern offered that she and Dr. Gordon Kern will be willing to donate to the Fire Department, \$100.00 more than what she donated last year. Council thanked her for the donation to pay the extra to have entertainment.

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- asked the Council if they wished to continue the CTE Program with Labette Community College. This program allows the Community College to use City facilities for meeting, classrooms, etc and city employees to attend classes at the college tuition free. Brown made a motion and Vance seconded to continue the CTE Program with Labette Community College. Motion carried.

- asked for a six month extension to use 23 hours of vacation time that she has not been able to use before her anniversary date. Rea made a motion and Owens seconded to approve the six month extension. Motion carried.

- Cheri Peine will be here on Wednesday to assist in working on the budget. She hopes to have a preliminary budget to the Council for the July meeting.

Mayor Fischer – requested to have 2 volunteers from Council to work with Clerk Eddington on the budget. Eddington said the 1<sup>st</sup> week of July would be the best time. Owens volunteered.

#### **15 Minute Public Discussion**

**Liz Turner** – thanked the Council for considering the library

**Paula Kern** -. Asked for an update on airport fuel. Jurgensen reported that the City has been selling fuel at the airport.

#### **ADJOURNMENT**

Owens made a motion and Vance seconded to adjourn the meeting at 8:51pm. Motion carried.

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Mayor Glenn Fischer

Attest:

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Accts Payable/Mun Court Clerk Tracy Brannin