

Regular Council Meeting  
August 11, 2014 6:30 p.m.  
City of Oswego, KS 67356

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

Absent: Councilmember Bill Owens.

Also present: City Attorney Rick Tucker, City Superintendent Calvin Jurgensen, City Clerk Carol Eddington, Police Chief George Elliott, Asst. Police Chief Brandon Conrad, Deputy Clerk Renee Cochran, Heather Brown, Paula Kern, Larry Richardson, Carole McKinley, Roger Vance, Neil Phillips, Marna George, Gary Tomey and Roger Daniels.

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

Roger Daniels, Baptist Church, gave the opening prayer and Councilmember Rea led the Pledge of Allegiance.

### **PUBLIC HEARING**

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

Mayor Fischer opened the Public Hearing and asked if anyone was present to discuss the Neighborhood Revitalization Plan. Since no one was in attendance to discuss the NRP Mayor Fischer left the public hearing open until later in the meeting.

### **PETITIONS AND DELEGATIONS**

#### **2013 Audit Report – Neil Phillips**

Neil Phillips, Jarred, Gilmore & Phillips, attended the meeting to go over the City's 2013 Audit Report. Phillips stated there were no statutory violations or material weaknesses and all funds had a positive balance. He went on to explain details of the audit and some of the changes that were made this year to the names of the fund categories.

Phillips also recommended that the Council work towards a bigger "carry-over" in the General Fund. He said although all funds were under budget and had a positive yearend balance that carry-over balance wasn't even enough to cover one months of expenses into the new year. He said some cities were passing resolutions to have a goal of a three to six month carry-over.

Phillips also said that he understood the Governing Body's goal to keep taxes down but sooner or later, the mil levy must increase to keep up with expenses Oswego needs to raise its mil levy.

### **CITY ATTORNEY**

#### **Mowing Assessment Ordinance**

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 JUNE 23, 2014 was presented for approval. The ordinance covers unpaid mowing charges through June 23, 2014. Brown made a motion and Bringle seconded to approve the ordinance. Motion carried. Clerk assigned the ordinance number 1320.

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Councilmember Tynan left the meeting at 6:54 pm

### **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 was presented. (Copies of the warrants were available for review).

Bringle requested that the sentence about leaving extra in the budget for the library from the minutes of the July 28<sup>th</sup>, Special Meeting, be removed. Rea made a motion and Brown seconded to approve the consent agenda with the correction to the July 28<sup>th</sup> minutes. Motion carried.

### **PUBLIC HEARING**

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

There being no one in attendance to discuss the issue the Mayor closed the Public Hearing at 7:00pm. The current NRP expires October 1, 2014. Clerk Eddington stated all of the other taxing entities have approved the revised plan and have signed the Interlocal Agreements. In order to adopt the plan an Ordinance is required. Also required is a Resolution authorizing the Mayor's signature on the Interlocal Agreements with the other taxing entities.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE INTERLOCAL AGREEMENTS WITH LABETTE COUNTY, USD #504, LABETTE COMMUNITY COLLEGE AND OSWEGO CEMETERY ASSOCIATION TO FURTHER NEIGHBORHOOD REVITALIZATION was presented for approval. Bringle made a motion and Rea seconded to adopt Resolution 8-11-14A. Motion carried.

AN ORDINANCE ADOPTING THE 2014 NEIGHBORHOOD REVITALIZATION PLAN AND DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA was presented for approval. Brown made a motion and Vance seconded to adopt the plan by approving the Ordinance. Clerk assigned the Ordinance number 1321.

### **OLD BUSINESS**

#### **Nuisance Violations – Cantrell- 1414 4th**

Supt. Jurgensen reported that Cantrell has been working on the cleanup of the property. When asked Jurgensen reported there were no longer any violations he initially wrote Cantrell up for so no further notice is needed. Chief Elliott said that he had recently been inside the house and did not feel like the house met minimum housing codes. He also stated that the occupants may have left the state and the house may revert back to the previous owner. Supt. Jurgensen said that he had not been inside the house and he would accompany Chief Elliot to inspect the interior of the home. A letter will be sent to the owner if any violations are found.

#### **Zoning Violation – Hucke – 521 Wisconsin**

Justin and Amanda Hucke were sent a courtesy letter to inform them of violations at their property at 521 Wisconsin. They have erected a chicken coop at 521 Wisconsin without seeking a building permit application and now have chickens on the property which is against the zoning

code. They were given until August 11, 2014 to remove the chickens and to fill out a building permit application for the structure it they wished to keep it. Supt. Jurgensen said the property owners have not taken any action and the violations still exist. Brown made a motion and Rea seconded to send a Notice of Violation. Motion carried.

### **Golf Course Bond Issue**

Clerk Eddington stated a suggestion was made to combine the bond issue for the downtown building demolition project and the bond issue for the golf course to save some origination fees. After speaking with Susan Galemore, grant administrator for the downtown building demolition project, Eddington said the earliest the city would have an amount for the bond issue would be sometime in December.

The Golf Course has already sent out bids for their equipment purchases and predicts they will need the full \$135,000 in bond issue which includes the cost of issuance fee. They want to proceed with equipment purchases to help them fix the course and be better prepared for their tournaments already scheduled for the rest of the year.

Eddington contacted Bond Counsel, Kevin Cowan, and he said the city could front the money for the golf course purchases and then be reimbursed with the bond proceeds at bond closing. Cowan recommended that if the city was going to do this, it be done within the same year – for ending balances, accounting, auditing and budgeting purposes. Eddington pointed out that there is no way to predict whether the downtown demolition project will be to that point in order for the bond process to be completed by the end of the year.

Cowan said if the city wants to go ahead and pay for some of the golf course purchases that need to be made now out of the water or sewer surplus funds and move forward with the bond issue separately, he can have the paperwork for the bond issue prepared for the August 25<sup>th</sup> Special Meeting. Then, the closing would be set for the middle part of September and the city would be paid back at that time. Rea made a motion and Brown seconded to go ahead with the bond issue and front the Golf Course the funds to pay for their equipment purchases out of the water or sewer surplus funds and then get reimbursed in September. Motion carried.

### **Planning & Zoning Regulations, Subdivision Regs, Manufactured Home Regs**

The revised Zoning Regulations and new Zoning Map were presented and recommended for council approval by the Planning Commission. The Planning Commission held a public hearing was held July 23<sup>rd</sup>. The new zoning map was available at the hearing with a list of properties within the city limits along with their zoning designation.

Clerk Eddington said that Janet Johnston was the only citizen that attended the public hearing. She asked that both of her properties be zoned Suburban Residential. One was Suburban Residential and the other one was Residential. The parcel zoned Residential is not 10 acres but since it adjoins her other property and is used for the same purpose, the Planning and Zoning Commission determined to zone it all Suburban Residential – as long as they could do that. In

checking with Yearout, he said that the Commission could do that due to the fact that the property is conjoined and owned by the same individual.

Eddington said that after the public hearing the Commission also discussed the Williams property along the highway and the property at 227 Depot. The Commission determined that these properties be zoned residential as they are surrounded by residences. There is little control over what individuals can do on a commercially owned property. Eddington said that property owners can request a conditional use permit for various things. That way the Planning Commission can make a decision on a case by case basis weighing all of the factors.

The Planning Commission also made changes to a couple of other properties similar to the Johnston property and changed the zoning on a piece of now property owned by the Fair Board to be consistent with their other properties in that block. Eddington reported that all the changes made were now reflected in the new map which was available for Council review.

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLES 1 OF THE CODE OF THE CITY OF OSWEGO, KANSAS, AND ADOPTING BY REFERENCE THE ZONING ORDINANCE OF THE CITY OF OSWEGO, KANSAS, FEBRUARY 2014, EDITION, PREPARED BY THE OSWEGO PLANNING COMMISSION** was presented for approval. Brown made a motion and Vance seconded to adopt the new Zoning Regulations by approving the Ordinance. Motion carried. Clerk assigned the Ordinance number 1322.

**Ordinance – Subdivision Regulations**

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 2 OF THE CODE OF THE CITY OF OSWEGO, KANSAS, AND ADOPTING BY REFERENCE THE SUBDIVISION REGULATIONS OF THE CITY OF OSWEGO, KANSAS, FEBRUARY 2014, EDITION, PREPARED BY THE OSWEGO PLANNING COMMISSION** was presented for approval. Brown made a motion and Rea seconded to adopt the Subdivision Regulations by approving the Ordinance. Motion carried. Clerk assigned the Ordinance number 1323.

**Ordinance – Manufactured Home & RV Regulations**

The new Zoning Regulations moves all of the standards and requirements for manufactured homes and RV's from the existing Zoning Regulations and establishes a separate Code for them. **AN ORDINANCE ADOPTING BY REFERENCE THE MANUFACTURED HOME AND RECREATIONAL VEHICLE CODE OF THE CITY OF OSWEGO, KANSAS, MARCH 2014 EDITION, PREPARED BY THE OSWEGO PLANNING COMMISSION AND AMENDING THE CODE OF THE CITY OF OSWEGO, KANSAS, BY ADDING ARTICLE 8 OF CHAPTER 4 THERETO** was presented for approval. Brown made a motion and Vance seconded to adopt the new Manufactured Home and RV Regulations by approving the Ordinance. Motion carried. Clerk assigned the Ordinance number 1324.

Darren Tynan returned to the meeting at 7:28pm.

## **2015 Budget**

Clerk Eddington reported that she had made all of the changes to the budget that was suggested by Council at the special meeting. The increase to the mil levy is now at 9.9 mils. Eddington asked that the Council reconsider eliminating the amount for the server at the City Office. She said it is critical to the everyday business of the city and is a large expense. After discussion the Council recommended reducing the amounts set aside for the swimming pool from \$12,777 to \$6,338 and the amount for the reflective signs from \$2,000 to \$1,000.

Council also discussed whether the \$25,000 set aside for a new patrol car could be replaced with a used one instead. Chief Elliott said they may be able to get a used one from the State Highway Patrol for around \$18,000. This would save another \$2,333 each year for the three year transfer it was set up as. Council determined to add back in the amount for the server. All of these changes would reduce the increase in the mil levy to 8.97.

Mayor Fischer asked those in the audience if there were any questions or comments. As there were no comments from the public Rea made a motion and Brown seconded to make the changes to the budget as noted. Motion carried.

Brown made a motion and Tynan seconded to set the Public Hearing for the budget on Monday, August 25, 2014 at 6:30 pm. Motion carried.

## **NEW BUSINESS**

### **Increase in Fees – Rock & Culverts**

Supt. Jurgensen said currently the city only charges customers for the actual cost of rock and culverts. They do not charge for the labor to deliver and spread the rock or install the culverts. He suggested charging \$4.00 per ton above the city's cost of the rock and 15% above the cost of the culverts to help cover labor costs. Tynan made a motion and Rea seconded to charge \$4.00 per ton above the city's cost for rock and 15% above the city's cost for culverts to cover labor costs. Motion carried.

Council also discussed whether the city should continue to pick up tires during clean-up week or possibly charge a fee. Eddington reported on what Vail's Automotive charges for tire removal. It had been discussed in Department Head meetings that the city did not want to be in competition with local businesses. While checking with those businesses she found out that some customers avoid the fees by keeping their tires and have the city pick them up for free. Attorney Tucker said that the city should weigh whether the expense outweighed the health hazard that old tires sitting around would create. Bringle made a motion and Tynan seconded that the city should limit the cleanup week to only one annually but continue to pick up tires with the current limitations. Motion carried.

### **City Owned Lots**

During the budget meeting, it was suggested that the city dispose of excess property to save on mowing man hours and equipment use. Photos and a list of the city-owned properties with appraised values were viewed and discussed during the meeting.

- 401 2<sup>nd</sup> – The long narrow strip of land would not allow for constructing a home. Council thought the Fair Board might be interested in the property and asked staff to make an offer to donate the property to them if they would be willing to take care of it. If not Council requested that the adjacent property owners be contacted to see if they would be interested in the property.
- Old Middle School Property on Iowa - This is a good location for Duplex Housing which is already in the area. Council felt this property needs to be retained by the city.
- 3<sup>rd</sup> & Illinois (Former Christian Church Property) – This is a good commercial location. Chief Elliott said he may know of someone interested in putting a business here.
- 411 E. 8<sup>th</sup> – This is a small lot that was donated to the city by Labette Bank for housing. After discussion Council felt that even though it was small it could still be sold to construct a small house or garage (with a conditional use permit).
- 648 and 642 Merchant – These two properties are located on either side of rental property owned by Scott Riley. Council suggested staff contact Riley to see if he would be interested in purchasing either lot. Chief Elliott said that Scott Riley was also the owner of some land adjacent to Crane Park. He offered to contact Riley to see if he would be interested in swapping one or both of the lots for the property at Crane Park. This would allow for some possible expansion of the park at a later date.
- 105, 109 & 113 Vermont – The three lots have a sign on the property advertising they are for sale. Mayor Fischer suggested erecting a larger sign to attract more attention. The lots are also advertised on the website.
- 105 & 109 Hillcrest – The two lots are at the end of the cul-de-sac. Council discussed the possibilities of dividing the lots or combining them.
- Property on Ohio south of the Nursing Home – Council said they do not want to get rid of this property. It is near the Nursing Home and would work well for Senior Housing apartments.
- SEK Museum – Council discussed that this property would be returning to the city in the near future and there may be a business interested in locating there.
- Strip along Chilsom Lane (N. Ohio) – Council thought the adjacent property owner (Schlatters) may have approached the city in the past to purchase this strip of land. Clerk Eddington said she would check the past minutes.
- 106 2<sup>nd</sup> – The 60' x 50' ft is not large enough to build on. Council asked staff to see if the adjacent property owners would be interested in purchasing it.

### **Sales Tax Question**

Council discussed the possibility of placing a sales tax increase on the November ballot. The question was brought up during the budget meeting. Clerk Eddington pointed out that Labette County is placing their sales tax renewal on the November ballot as well. Mayor Fischer stated that it might be better to wait. Council agreed and decided to reconsider the issue for the April 2015 ballot.

### **Oswegofest Donation**

Clerk Eddington said the city has received a donation request for this year's Oswegofest. They are having it downtown this year instead of Riverside Park. The last few years the city has donated \$250. Brown made a motion and Rea seconded to donate \$250. Motion carried.

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

Council had no questions or discussions on the financial information and reports provided.

### **Executive Session – Personnel Matters of Non-Elected Personnel**

Rea made a motion and Brown seconded to go in to executive session to discuss non-elected personnel for ten minutes with the Mayor, Council and City Attorney present. Motion carried. Executive Session began at 8:40 and ended at 8:50pm.

The Council returned at 8:51pm. Rea made a motion and Tynan seconded to go into executive session for another ten minutes to discuss non-elected personnel with the Mayor, Council and City Attorney present. Motion carried. Executive session began at 8:51pm and ended at 9:01pm.

### **INDIVIDUAL REPORTS**

**Bringle** - said she had done some research on a DOL website and found that the average local government employees benefit packages for 2013 were 35.5%. Clerk Eddington asked if that was for employee benefits with KPERS or KP&F. Bringle said it did not make that distinction. Eddington said that she would send it out to the Governing Body.

**Elliott** – reported that the Golf Course damage case has been cleared. Officer Royer found evidence during a traffic stop that led to the apprehension of the person responsible. Mayor Fischer felt that the officer is to be commended for noticing a small detail that made him stop the vehicle in the first place.

**Jurgensen** – the bids for street projects are ready to go out. He is still working on a bid for the micro-surfacing but it should be ready soon.

**Eddington** – said there are vacancies on all of the boards right now. If anyone knows of someone who would like to be a committee member let her know.

- at the house on 112 Iowa there is a plumbing issue. The line from the meter to the house needs to be replaced. The contractor asked if the city could dig up the line since they didn't have the equipment here. Also the outside of the house needs some work that is not part of the work to be done by the contractor. The concrete step at the front porch is not secure; grass has grown up in the driveway; there is an old rusty clothesline and another pipe structure serving no purpose; and it needs some landscaping work done. Susan Galemore has said that it would go a long way with the state if the city puts some in-kind work into the project. Eddington has already asked Supt. Jurgensen about these items and he said the city could do the work. The Council all agreed to

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have the city crews do some work at 112 Iowa to improve the curb appeal and subsequent market value of the property.

**15 Minute Public Discussion**

**Gary Tomey** – asked if there was asbestos in the downtown buildings that will need to be removed before demolition and where we were with the project. Chief Elliott said that asbestos was found in the tile and walls. Eddington said that Susan Galemore is working on the environmental assessment now and plans for it to be done by the November 1<sup>st</sup> deadline. Nothing can be done on the project until that is finished.

**ADJOURNMENT**

Brown made a motion and Rea seconded to adjourn the meeting at 9:14pm. Motion carried.

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Mayor Glenn Fischer

Attest:

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Deputy City Clerk Renee Cochran