

Regular Council Meeting
September 8, 2014 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers, Bill Owens, Susan Bringle, Jane Rea, Dee Brown, 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, Asst. Police Chief Brandon Conrad, Deputy Clerk Renee Cochran, Heather Brown, Paula Kern, Larry Richardson, Carole McKinley, Marna George, Justin Hucke, Gene Barrett, Jason Russell, Rod Monroe, Jeff Schreppel, Skip (Lewis) Riley, Brenda Richardson, Kenny Gott, and Kent Wagner.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Kent Wagner, Christian Church, gave the opening prayer and Councilmember Bringle led the Pledge of Allegiance.

PROCLAMATION

Golf Course Volunteers

The recent damage and extraordinary efforts of the volunteers to put the golf course back together again prompted Mayor Fischer to draft a proclamation honoring all of the golf course volunteers not only for the repair work but for the volunteer work that they do year around. Skip Riley and Jeff Schreppel attended the meeting to represent the Golf Course. Mayor Fischer read the proclamation aloud and presented them with the proclamation. He thanked them and all the volunteers for their hard work and dedication.

PETITIONS AND DELEGATIONS

Cross Curriculum Project – Riverside Park - Rod Monroe

Rod Monroe attended the meeting to discuss with the Council a cross-curriculum school project that involves Riverside Park. Monroe said that he would like to have permission to allow 53 Junior High Students to take samples of tree leaves at the park. With the help of Jacob Weber, from Gardening With Jake, the Science Clans plan to identify, preserve and catalog the various types of trees.

The Social Studies Department will make a history of the park and its geography and the Math Department will work on statistics. The English Department will then compile all the information into books. They plan to present a book to the city and one to the library. Monroe said they hope to invite dignitaries to the park for a ceremony to make the presentation of the book. Council agreed that the project sounded very worthwhile and commended Monroe on his initiative. Owens made a motion and Tynan seconded to allow the project. Motion carried.

521 Wisconsin St. – Zoning Issue – Justin Hucke

Justin Hucke attended the meeting to request Council consider revising the new Zoning Regulations to permit chickens within the city limits. The zoning ordinance, recommended by the Planning and Zoning Commission, and passed by the Council at last month's August Council Meeting, makes no allowances for chickens inside the city limits unless the property was grandfathered in at the time of the initial zoning. Chickens were not allowed inside city limits in the previous zoning regulations as well.

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Hucke's were served with a zoning violation notice on August 19th, 2014 for moving chickens on to their property. Hucke was also in violation of erecting a building to house the chickens without first obtaining a building permit. Hucke said the chickens have been removed. He also stated he has checked with his neighbors and no one had any problems with him having chickens. Hucke stated he likes to have farm fresh eggs and uses the chicken waste to fertilize his garden.

Clerk Eddington said that she had checked into whether other cities allow chickens. She said that of the cities that do allow chickens most require permits and regular inspections. Council discussed at length that many additional regulations would have to be determined such as the quantity, types of birds, size of lot, distance from the property line, waste removal and structures.

Eddington said that in order to make a change to the regulations they would need to determine what would be allowed and what restrictions they want before sending it to the Planning and Zoning Commission. The commission would determine the wording for the change to the regulations, set a public hearing, notify all required recipients, hold the public hearing and bring their recommendation back to the City Council

Mayor Fischer said that the new zoning regulations had just been passed the previous month after deliberating all the zoning issues, including farm animals, at length for almost a year. He felt that asking the Planning and Zoning Commission to make a revision at this point would undermine the work that the commission put into getting the regulations completed. After further discussion Council considered the option of requiring a Conditional Use Permit so the commission could make a case by case decision on whether to allow chickens.

Councilmember Tynan said he had no problem with citizens being self-sufficient. Owens made a motion and Tynan seconded to request the Planning and Zoning Commission make a revision to the Zoning Regulations to allow chickens by requiring a Conditional Use Permit. Motion failed with Vance, Bringle, Rea and Brown voting no.

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 July 31, 2014 was presented for approval. The ordinance covers unpaid mowing charges through June 23, 2014. Brown made a motion and Rea seconded to approve the ordinance. Motion carried. Clerk assigned the ordinance number 1325.

Golf Course Bond Ordinance

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TAXABLE GENERAL OBLIGATION BONDS, SERIES 2014-3, 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

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BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO was presented for approval. Council members were provided a copy of the Bond Ordinance and Resolution by email prior to the meeting for review. Clerk Eddington said that Kevin Cowan had been working with the banks in acquiring bids for the best interest rate. Commercial Bank came in with the best rate at 4.35%. Cowan anticipates the bond closing will be held September 30th. The city will then be reimbursed for any equipment purchases made to date. Brown made a motion and Tynan seconded to approve the Ordinance. Motion carried. Clerk assigned the Ordinance number 1326

Golf Course Bond Resolution

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION BONDS, SERIES 2014-3, OF THE CITY OF OSWEGO, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1326 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH was presented for approval. The resolution is required to move forward with the Golf Course Bond Issue. Clerk has assigned the resolution number 9-8-14A. Brown made a motion and Rea seconded to adopt Resolution 9-8-14A. Motion carried.

Sales Tax Renewal Ordinance

“AN ORDINANCE TO CONTINUE THE LEVYING OF A CITY RETAILERS’ SALES TAX IN THE AMOUNT OF ONE PERCENT (1%) WITHIN THE CITY OF OSWEGO, KANSAS, EFFECTIVE JULY 1, 2015” was presented for approval. Voters recently elected to renew the one cent sales tax. The ordinance needs to be approved and a certified copy of the ordinance sent to the State Division of Taxation. Owens made a motion and Tynan seconded to approve the Ordinance. Motion carried. Clerk assigned the Ordinance number 1327.

2014 Audit Proposal

An agreement from Jarred, Gilmore & Phillips for services to conduct the 2014 Audit was reviewed. The fee is not to exceed \$5,400. If subject to a Single Audit in 2014 (if Federal expenditures exceed \$500,000) an additional fee of up to \$1,900 would be required. This is a \$200 increase from last year’s audit.

Council asked how many years the city has used this audit firm and discussed whether it was time to go out for bids. Bringle said she understood that the auditor recommended changing audit companies every three years. Clerk Eddington said the city has not gone out for bids for several years since this company has provided such good rates while doing a good job for the city. She said she checked with other cities through the clerk’s list serve and found that many cities smaller than Oswego pay much more for their auditing services. The cities in the survey, that were comparable in size and pay similar fees, also use Jarred, Gilmore & Phillips. Council all agreed the rates were very reasonable. Eddington pointed out that even if the audit firm does not change for the 2014 Audit that the staff performing the duties has changed. Owens made a

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motion and Brown seconded to approve the agreement with Jarred, Gilmore & Phillips to conduct the 2014 Audit. 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 was presented. (Copies of the warrants were available for review).

Mayor Fischer asked if there were any additions or corrections to the minutes. Councilmember Brown said that Owens had proposed a question to Karen Carpenter about CD's that the library owned during the Public Hearing on the Budget at the August 25th, 2014 Special Meeting. Brown requested those comments be included if there was no objection by Owens. Owens said he had no objections.

Rea said there were comments made at the same meeting about the fact that some surrounding cities with lower mil levies have other utilities as an additional revenue source. Rea requested this be included in those minutes. Bringle also requested a change to the minutes of the regular Council Meeting on August 11, 2014. Bringle reported that she had done some research on local government benefit packages. The minutes reflected the time period was for 2007 – 2013. She asked that the 2007 be stricken.

Appointments

Housing Committee

Mayor Fischer submitted Kenny Gott for reappointment to the Housing Committee and the Housing Rehabilitation & Citizens Advisory Board. His term will expire October 1, 2017.

Airport Board

Mayor Fischer submitted Karen Garza for appointment to the Airport Board. Her term will expire April 2017.

Rea made a motion and Bringle seconded to approve the consent agenda with the corrections to the August 11th and August 25th minutes as noted. Motion carried.

OLD BUSINESS

City Owned Lots

642 & 648 Merchant

At the last council meeting it was determined that the city would see if Scott Riley would be interested in purchasing these two lots that are located on each side of a lot he currently owns. Chief Elliott had also thought he might be interested in trading these properties for his property at Crain Park. Elliott discussed these lots with Riley and he is not interested in trading the properties for his Crain Park property, however, he is interested in purchasing these two lots and has offered \$750. Vance made a motion and Bringle seconded to accept his offer of \$750 for the two properties. Motion carried.

Elliott said he would contact Riley and ask him to contact Rick Tucker to provide him the information required to work up the deed.

106 2nd St.

Kenny Gott attended the meeting and stated he would be interested in purchasing this 60' x 50' lot that is directly behind his property. He said he has been mowing the property for 12 years. It was determined at the last Council Meeting that this property was not large enough to construct a home and Council had directed staff to see if the adjacent property owners would be interested in purchasing it. After discussing a price for the property Rea made a motion and Vance seconded to sell the property to Gott for \$50. Motion carried.

Attorney Tucker did not feel a title search was necessary and recommended providing Gott with a Quit Claim Deed.

Condemnations

22 N. Commercial- Thompson

Bid Notices for demolition services were sent out after Council determined to move forward with the condemnation process. The property owner had previously been granted two extensions that were not met. No bids were received during the bid process. Staff then contacted the contractors on the direct mail list. B-3 Construction provided a quote for \$4,500 or a reduced price of \$3,500 if they would be allowed to dump some of the concrete and brick in the city's fill area.

Gene Barrett, Attorney for the property owner, attended the Council Meeting and asked the Council for a 30 day extension. He said he had met with Thompson and saw the house for the first time that day. He said Thompson has had some health and financial issues. He doesn't have the income to keep up the estimated 100 rental houses he owns. At age 87 he is also physically not able to keep them up. Barrett said he would like for the city to send him the condemnation paperwork so that he can go over it with Thompson. Barrett said he would like to see Thompson liquidate some of his properties and have his sons become more involved in the business.

Owens made a motion and Tynan seconded to table the demolition bid and allow Thompson an extension until the next Council Meeting, October 15, 2014, when the issue will be placed on the agenda again. Motion carried with Bringle and Rea voting no.

Council asked Clerk Eddington to contact B-3 and ask if the bid price would still be good at that time.

1211 First St.- Dantic/ Christy

Clerk Eddington said that all of the condemnation paperwork has been sent to the owner of record, Holly Dantic, the mortgage company on file - First National Bank of Chicago and to Steve Christy. The deadline to have repairs made was August 20, 2014. There has been no contact from any of the interested parties and Supt. Jurgensen reports there has been no progress made on the house. The next step in the condemnation process is to seek bids for demolition.

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Brown made a motion and Vance seconded to move forward with the process and seek demolition bids. Motion carried.

Golf Course Equipment Invoice- R&R Products

Clerk Eddington said that the Golf Course had received an invoice from R&R Products for the new Gang Mower and Cutting Blades after Accounts Payable checks were already generated. The invoice is for \$11,396.55. Eddington asked that this be approved but not paid until after the equipment is received. Rea made a motion and Owens seconded to approve the invoice. Motion carried.

Swimming Pool Bathhouse Grant

Chief Elliott, of Elliott Roofing and Guttering, paid \$640 for downspouts for the Swimming Pool Bathhouse project that was not covered in his original bid. Council had indicated that this amount would be paid to Elliott if there were any grant monies left over. Clerk Eddington checked with the State Historical Society and they said there was enough dedicated grant money to go ahead and pay for the grants 80% of the cost. The State is in the process of issuing a payment to the city for \$512.00. Brown made a motion and Rea seconded to pay Elliott the additional \$640 on the project. Motion carried.

Community Building Canopy

LaForge and Budd met with the city's insurance agent on August 20, 2014 to inspect the canopy at the Community Building. The city has received a letter from the insurance company denying the claim. The letter stated that the findings were that the damage was not done by any environmental issue but rather structural deficiencies at the time of construction. LaForge and Budd does not agree with the adjuster's determination but said they will stand behind their work and make the necessary repairs to the canopy at no cost to the city.

NEW BUSINESS

Street Projects Bid Openings

Street Overlay Bids

The Street Overlay Bid opening was held at 10:30am on August 28, 2014. Only one bid was received - Swift Construction for \$108,325.21. In speaking with other companies that the bid information was mailed to, Supt. Jurgensen found out that they were too busy to add another job this late in the season. Supt. Jurgensen recommended approving the bid from Swift Construction.

Street Sealing & Striping Bids

The Seal Coat and Striping Bid opening was held at 10:00 a.m. on August 28, 2014. Only one bid was received - Springfield Striping & Sealing presented two options: sandblasting as the specs requested at \$35,683.04 or pressure washing instead of sandblasting for a cost of \$26,452.64. The power washing pressure is at 7,000 psi. Supt. Jurgensen recommended accepting their bid using the pressure washing method.

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Council asked if the City has used these companies before. Supt. Jurgensen said they used Swift Construction last year. There was an issue with one of the streets and they have offered to make the repairs at no cost to the city. Councilmember Brown requested that Woodcliffe be considered for next year due to the condition of the street. Jurgensen said it was already on the schedule to be done next year. Rea made a motion and Owens seconded to approve both bids as recommended by Supt. Jurgensen. Motion carried.

ACH Banking and Credit Card Security Policy

An ACH Banking and Credit Card Security Policy was presented for approval. The city already had a security policy in place. However, new credit card security requirements due to having the credit card reader at the airport made it necessary to update the policy. Bringle made a motion and Rea seconded to approve the policy as presented. Motion carried.

Patrol Car Purchase

Chief Elliott reported that the air compressor has gone out in the 2005 Explorer that was purchased from the County in July of 2011. He said the front end is also going out and feels it would be a waste of resources to sink any more money into the vehicle. For the time being, the vehicle is parked and not being used. Chief Elliott feels that they can cut their maintenance expenses down considerably by replacing the vehicle. He said he has found a used 2013 Charger with 50,000 miles for \$17,200 and a new 2015 Impala for \$21,700. For the price difference he feels the city would be money ahead to purchase a new vehicle.

Clerk Eddington reported that the Municipal Equipment fund has a balance of \$78,168.69, none of which is designated for purchasing a police vehicle. That line item is in the negative by \$11,808. However, beginning in 2015 a repayment schedule is included in the budget. Elliott said that if they purchase a vehicle this year, he does not foresee needing to purchase another vehicle for at least three years.

Council questioned what the additional cost would be to outfit a new vehicle. Elliott said he would check in to it and present the information at the next Council Meeting.

League Annual Conference – Voting Delegate

Clerk Eddington reported that she will be attending the annual conference held in Wichita on October 11-13, 2014. The City of Oswego is allowed one vote during the annual membership meeting held at the conference. The League requires that voting delegate to be officially designated by the Governing Body. Eddington asked if anyone else would be interested in attending the conference or becoming a voting delegate. There were no volunteers. Owens made a motion and Rea seconded to officially designate Clerk Eddington as the voting delegate for Oswego. Motion carried.

Boot Block Application – Knights of Columbus

A Boot Block request was presented from the Knights of Columbus. The organization plans to hold a boot block on Saturday, October 11th from 8:00 a.m. to 12:00 p.m. The fundraising effort

will benefit local schools and Special Olympics. Brown made a motion and Vance seconded to approve the request. Motion carried with Owens abstaining.

Questions on Section #9 – Project Updates

Brown- asked about Item d. The letter from the County Commissioners regarding Sales tax had an attachment that wasn't included for Council's review. It shows the impact of the loss of sales tax revenue on the cities and counties. Clerk Eddington said she would send it to Council by email and also put it in the packet for next month's meeting.

Owens - asked about the Water Loss report. Supt. Jurgensen said that it was a problem with the dual read meter. He said the meter reads the raw water coming out of the river and the then water going out. The amount has to be manually subtracted out. Supt. Jurgensen said he is not sure why it is showing the 8% loss. He said he believed there was not a loss.

Tynan – Asked how we do the sale of water to the prison? Supt. Jurgensen said there is a 2" meter at the maximum facility and a 1" meter to the medium facility. Tynan said he believed a lot of water is wasted at the facilities due to bad faucets.

Vance – asked how much was last month's airport fuel sales? Jurgensen said that he wasn't sure but thought it was around 800 gallons. Vance asked that the report be emailed to the Council members. Clerk Eddington said that she would begin to include this report in the packet each month.

INDIVIDUAL REPORTS

Vance - asked if she would need a building permit to add a privacy fence inside an already existing chain link fence. City Attorney and Staff said a building permit would be needed.

Brown – said there was an impromptu car show in town that was well received.

- asked who the lift vehicle belongs to that is parked at the Community Building. Rea said it belongs to LaForge.

- said the 4-H Exhibit Sign that was put up during the Fair needs to be removed.

Bringle – asked if we needed to make a motion to accept the offer from LaForge to do the work on the canopy at the Community Building. Rick Tucker said since there was no charge it probably wasn't necessary but it couldn't hurt. Bringle made a motion and Brown seconded to accept LaForge's offer to do the work at the Community Building at no charge. Motion carried.

- asked if the Water Testing at the pit had been completed. Supt. Jurgensen that had not been done yet.

- asked what the status was of the Utility Assessment (Water Rate Study). Clerk Eddington said that they are going to be calling to go over their preliminary report. They were waiting on our 2015 Budget and our Audit figures. They plan to have the final reports done so they can present them at the October Council Meeting.

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Elliott – said he has talked to Midland Flyers about using the airport for their business. He said that they told him the landing strip is too short.

Jurgensen – said Jeff Strickland’s funeral service will be graveside on Wednesday at 11:00am. Clerk Eddington asked about closing the city office during the service. Bringle made a motion and Rea seconded to close the office. Motion carried.

Eddington – said that the firm the city used for the 2013 Audit, Jarred, Gilmore & Phillips had asked if the city would consider an additional \$650 to cover the additional time that was spent on this year’s audit. She said that the questions and 2013 Transfers that were made during the time the audit was being done gave them some extra work and put them behind. Council discussed that the agreement for services was for a flat rate not hourly. Bringle made a motion and Brown seconded to deny their request. Motion carried.

15 Minute Public Discussion

There were no comments or questions from those in the attendance from the public.

Mayor Fischer – read the Four Objectives of the Strategic Plan that was developed in February 2014. Mayor Fischer appointed Councilmembers Rea and Bringle to sit on a committee to work on Objective #2 -to “Expand the City’s property tax base and reduce reliance on the property tax for funding municipal services by obtaining alternative revenue sources.” Councilmembers Rea and Bringle accepted.

ADJOURNMENT

There being no further business Owens made a motion and Tynan seconded to adjourn the meeting at 8:08pm. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Renee Cochran