

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

Present: Councilmembers, Susan Bringle, Bill Owens, 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, Officer Toby Wertz, Heather Brown, David & DeRhonda Newby, Eugene & Sherice Knight, Brenda Richardson, Marna George, Steve McBrien, Sherlyn Oplotnik, Lewis (Skip) Riley, Matt Vail, Paula Kern, Larry Richardson and Carole McKinley.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Steve McBrien, Oswego Assembly of God, gave the opening prayer and Councilmember Vance led the Pledge of Allegiance.

PUBLIC HEARING – Budget Amendment

Mayor Fischer opened the public hearing and asked if there was anyone present to discuss the proposed Budget Amendment. There were no comments received. The Mayor determined to leave the hearing open for a little while.

SERVICE AWARD PRESENTATIONS

Mayor Fischer recognized Carol Eddington for 30 years of service to the city. She has served as Payroll Clerk, Accounts Payables Clerk, Deputy Clerk and City Clerk. Eddington was presented with Service Award gift certificates and thanked for her years of dedicated service. Fred Johnson, Municipal Court Judge and John Hine, Volunteer Fire Dept were recognized for 10 years of service, but were unable to attend the meeting.

Mayor Fischer called for a 5 minute break. Refreshments were served.

PUBLIC HEARING – Budget Amendment

The meeting was called back to order at 6:36pm. Mayor Fischer again asked if anyone was present to discuss the proposed Budget Amendment. There being no comments received, Mayor Fischer closed the public hearing at 6:36pm.

The proposed amendments to the 2014 budget are in the Water and General Funds. The Water fund amendment for \$60,000 is due to the increase in expenses for the year that were higher than anticipated. Since the General fund is very close the amendment for \$30,000 will allow for any unexpected expenses at the end of the year (repairs to the fire truck have come in at over \$12,000 instead of the projected \$5,000). Owens made a motion and Bringle seconded to approve the budget amendment as presented. Motion carried.

PETITIONS AND DELEGATIONS

Brenda Richardson – 9 N. Illinois

Brenda Richardson attended the meeting to request that the No Occupancy placard be removed from her property at 9 N. Illinois as soon as the contractor is finished with the plumbing work and Supt. Jurgensen says it is ok. Richardson stated that a contractor has installed new plumbing

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and electrical work and although there is still some work to do, she believes she will be able to get more work done if she is allowed to move into the house. City Supt. Jurgensen inspected the house and agreed there were still some items that needed to be done such as paint and flooring but felt the house met the Minimum Standard Housing Code – as soon as the plumbing is hooked up entirely. An inspection report was provided in the packet for the Council’s review. Owens made a motion and Bringle seconded to have the No Occupancy designation lifted upon finishing hooking up the plumbing. Motion carried.

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 SEPTEMBER 30, 2014 was presented for approval. The ordinance covers unpaid mowing charges through September 30, 2014. Rea made a motion and Bringle seconded to approve the ordinance. Motion carried. Clerk assigned the ordinance number 1333.

Ordinance – Annexation

This item was moved to later in the meeting to allow for Attorney Tucker and Councilmember Brown to arrive.

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).

Appointments – Housing Committee

Mayor Fischer submitted for appointment Lou Branham and Diane Bentley to the Housing Committee and the Housing Rehabilitation & Citizens Advisory Board with Council approval. Their terms will end October 2017.

Cereal Malt Beverage Licenses for 2015

CMB applications for 2015 were submitted from: Jump Start, Casey’s General Store, G&W Foods and Mi Pueblo restaurant. All applications were provided to Police Chief Elliott, Fire Chief Strickland and City Attorney Tucker as required.

Tynan made a motion and Rea seconded to approve the Consent Agenda as presented. Motion carried.

OLD BUSINESS

Water and Sewer Utility Rate Reviews

At the November meeting, Council reviewed the revised results of the Water and Sewer Rate Study completed by Beth Warren, Ranson Financial. Council had some questions and felt some

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corrections and additional information was needed, therefore the issue was to be placed back on the agenda for the December meeting.

Clerk Eddington spoke with Warren about the Council's concerns. Warren provided revised scenarios with more detail for the council meeting. Clerk Eddington explained the differences between each option. She said that if the Council could narrow down what options they were most interested in, what they wanted to see done differently, what they would or would not like to see in the models – any feedback to get closer to what it is that the Council wishes to see included in the review. She would let Warren know so she could have that prepared for the January meeting in which Warren could attend. Eddington also reminded Council that there is only one more visit from Warren within the agreement so asked that Council keep this in mind. The Council agreed to ask Beth Warren to attend the January meeting and tabled any further discussion until then.

Councilmember Owens left the meeting at 6:53pm.

Condemnation – 115 Union

At the public hearing held on June 9, 2014, Johnathan Stephens and his wife, who have been purchasing the property on contract, asked for a 6 month extension to do the necessary work to the structure. Council agreed to the extension request. The deadline for that extension was December 9, 2014. City Supt. Jurgensen said that there have not been any noticeable improvements to the structures. No property owners or persons with interest in the property attended the meeting.

A Resolution finding that the structures are dangerous and need to be removed was presented. Tynan made a motion and Rea seconded to adopt the resolution. Motion carried. Clerk assigned the Resolution #12-8-14A.

Attorney Tucker entered the meeting at 7:09 pm.

Airport Apron Project – Engineering Agreement and FAA Schedule for Project

Clerk Eddington said she had been in contact with the FAA representative who has issued a time line for the Airport Apron Project. FAA is requiring that an agreement for engineering services be approved by December 31st. An Engineering Services agreement, prepared by ADG, was submitted for Council review. The proposed agreement has been reviewed by Attorney Tucker. Rea made a motion and Bringle seconded to approve the agreement. Mayor Fischer called for a vote with Rea and Bringle voting yea and Tynan and Vance voting nay. Mayor Fischer broke the tie with a yea vote. Motion carried.

CDBG Housing Grant – 112 Iowa

Setting a Price

Prior to the Council Meeting an Open House was held at 112 Iowa now that the work has been completed. Clerk Eddington said that the next step is to determine an asking price for the house.

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The new appraisal on the house came in at \$55,000. Council reviewed a breakdown of the expenses to date - \$64,535.64. The CDBG Grant will cover \$25,000 so the City's investment is currently \$39,535.64. However, the expenses are on-going as the utilities remain on, the city had to have some work done on the heater that hasn't been billed for yet, and then there will be the city's part of the closing costs.

Grant Administrator, Susan Galemore, has advised the city that the price for the house could not be set any higher than the appraised value. Another consideration is that the buyer must qualify for low to moderate income through the State before the city can officially accept an offer. At the Housing Committee meeting they discussed the information they had received from the grant administrator and a local real estate agent on the current housing market. After some consideration, the Housing Committee determined to recommend to Council that the asking price for the house be set at \$49,500.

The Housing Committee also discussed whether the City should sign with a real estate agent or try to sell the house without one. The Housing Committee recommended to the Council that the sale be opened up to realtors and offer them a 3% commission if they sold the house. It was also recommended that whenever a prospective buyer wants to look at the house, they must be accompanied by someone from the city or a real estate agent.

Council asked what would happen if the city makes more than just covering expenses. Clerk Eddington said that the goal is to at least break even but any excess can be put into another home rehab as long as it can be started before the grant deadline according to Grant Administrator Galemore. Bringle made a motion and Vance seconded to approve the Housing Committee's recommendation and set the price at \$49,500. Motion carried. Rea made a motion and Vance seconded to open up the sale to realtors for a 3 % commission. Motion carried with Bringle abstaining.

Contractor's Invoice

An invoice for \$41,690 from S&A Construction, the contractor for the rehab work, was presented. Clerk Eddington said that the final inspection was held on Wednesday, December 3, 2014. The final lead test has been submitted but will need to pass before the contractor can be paid. Council discussed some additional items that were brought to their attention during the Open House that also need to be done such as securing the steps going down into the family room, painting the front door and possibly changing a light switch in the kitchen. Rea made a motion and Bringle seconded to approve the invoice contingent on the lead test passing and getting the items that were discussed completed. Motion carried.

Inspection Invoice

An invoice from SEK Regional Planning Commission, in the amount of \$2,000, for HQS & Lead Inspection at 112 Iowa was presented for Council approval. Clerk Eddington noted that this expense would be reimbursed by the grant. It is not included within the \$25,000 grant amount for the rehab as it is a separate line item. Rea made a motion and Tynan seconded to approve the invoice. Motion carried.

Downtown Demolition Grant – Asbestos Inspection for Branson Building

The State has determined that if the city cannot procure a more detailed and definitive asbestos inspection, the building at 705 4th St. will have to be demolished using the wet demo method where all of the demolition materials will have to be wrapped and sent to an asbestos certified landfill – costing a great deal more than the regular demolition process. Grant Administrator Galemore has determined to go out for bids for an asbestos inspection for 705 4th St. Four bids were received:

- Triad Environmental Services \$745/inspection, samples and analysis
- Terracon \$1,900/inspection, samples and analysis
- ACM Removal, LLC \$850/inspection, samples and analysis
- ACT \$850/inspection, samples and analysis

Galemore has made inquiries on all of the bids received and recommends Triad Environmental out of Pittsburg, KS. Clerk Eddington reported she spoke with the owner of the building, Tim Branson, and he does not have a key to it any longer. Branson gave his permission for the city to enter the building by any means necessary. Branson also said he would like to give the property to the city if the city was interested. Council questioned whether an asbestos inspection was also needed on the Professional Building. Clerk Eddington said she didn't believe it was needed but would check to make sure. Tynan made a motion and Bringle seconded to accept the bid from Triad Environmental for \$745. Motion carried.

NEW BUSINESS

List of Holidays for 2015

The proposed resolution setting the holidays for 2015 was presented. Since Christmas Day falls on a Friday in 2015, it was requested that Council allow Christmas Eve as a substitution for Presidents Day in February. Many employees ask for that day off anyway as they have plans with family. Tynan made a motion and Vance seconded to approve the resolution as presented. Motion carried. Clerk assigned the Resolution # 12-8-14B.

Executive Session – Purchase of Real Estate

Rea made a motion and Bringle seconded to go in to executive session for ten minutes to discuss the offer to purchase real estate with the Mayor, Council, City Clerk and City Attorney. Motion carried. Executive Session began at 7:35 pm and ended at 7:45 pm. No action was taken.

Records Management – Records to Destroy in 2014

A list of documents that may be destroyed at this point in time under the city's record management policy was presented. Tynan made a motion and Rea seconded to approve the destruction of the documents listed. Motion carried.

Councilmember Dee Brown entered the meeting at 7:43 pm. At 7:45 pm Mayor Fischer asked for a ten minute recess to allow Councilmember Bill Owens time to return to the meeting. Owens arrived at 7:51pm and the meeting resumed at 7:55 pm.

Annexation Ordinance

An ordinance to expand the city boundary by annexation was presented for Council approval. Mayor Fischer stated that one of the objectives of the Strategic Plan developed by Community Leaders over the past several years was to expand the tax base by developing housing and/or annexing properties into the city. A committee consisting of Council Members and past Mayors was formed to look into the issue and have recommended Council approval of the ordinance. The ordinance prepared by Attorney Tucker includes properties that have already signed consent forms to be annexed into the city and adjoin the city boundary. As a courtesy, the current property owners were invited to attend the meeting and were each allowed time to comment.

Property Owner John Williams stated that he signed the consent to annex agreement form seven years ago but under “duress”. He said he was concerned about how city zoning regulations would affect him such as mowing and inoperable vehicles. He stated he had 11 ½ acres and could not afford to keep the grass mowed at the required residential height. Clerk Eddington said since the property was over 10 acres that would qualify him for rural suburban zoning, therefore, many of his concerns would not be a problem.

David Newby, current owner of Regional Vet Service, said he was not aware of the consent form since it was signed by a previous owner. He was concerned about how the annexation might affect his business since he cares for and boards animals. He stated that the cities policies did not always favor animals. Clerk Eddington said that the business would be “grandfathered” in and as long as the type of business didn’t change then the grandfather status would remain with the property. She also stated that the consent form was filed with the Register of Deeds and should have shown up as a discovery on his Certificate of Title when he purchased the property. Newby also said that he contacted Twin Valley and they told him that they could not get onto Westar as the boundaries between the two are set by the Kansas Electric Commission. Clerk Eddington had been told by the new Westar business manager for southeast Kansas that they would be able to get onto Westar. She will have to speak with them again.

Eugene Knight said that his property is 40 acres and had requested the city install the water line when his father moved on to his property. He stated he has viewed the signatures on the consent to annex document and although the signatures belong to him and his wife he does not believe that they signed the form. Attorney Tucker stated that the signed and notarized document stands for itself.

After some discussion Council asked staff to contact Westar and the Electric Commission to determine whether the property owners would be able to get onto Westar and asked staff to find out who would be responsible for the road maintenance if these individuals were annexed. Rea made a motion and Brown seconded to table the issue until the next Council Meeting. Motion carried.

INDIVIDUAL REPORTS

Owens – asked about the status of the SEK Museum. Attorney Tucker said they still need to get the deed signed. Board Member Larry Richardson was in the audience and Attorney Tucker

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asked him if he would get the board together to get that taken care of. Richardson said they still have some items that they are trying to find a place for since it is required that they go to another museum.

Eddington – said there was a question at the previous meeting about the water consumption at City Hall. Eddington said a leak was discovered under the floor and it has been repaired.
- invited the Council members to the employee’s Christmas Dinner on Dec. 19th at 11:30pm.
- invited the Council members to a Retirement Reception at City Hall for employee Phil Smith on Dec. 19th from 3:30 – 5:00pm. Phil has served the city for 29 years.
- will be closing on the property at 319 Commercial and asked for approval of an invoice for \$7869.44. The amount includes \$7,500 for the building (that was approved and included in the grant application for the Downtown Demolition Project) plus \$369.44 for closing costs. Rea made a motion and Bringle seconded to approve the invoice. Motion carried.

ADJOURNMENT

Mayor Fischer asked if there were any comments from the public. There being no comments or further business Owens made a motion and Rea seconded to adjourn the meeting at 8:45pm. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Renee Cochran