

Regular Council Meeting  
February 9, 2015 6:30 p.m.  
City of Oswego, KS 67356

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

Absent: Councilmember Darren Tynan.

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, DeRhonda Newby, Larry Richardson, Roger Vance, Wanda Strickland, Bill Cunningham, Carole McKinley, Steve McBrien, Paula Kern, John Davis, Caleb Strickland, David Newby, Matt Vail and Dan Chapman.

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

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

### **CITY ATTORNEY**

#### **Ordinance – Annexation**

With the annexation of the Vet Clinic at last month's meeting, Vail's Automotive now falls into the category of properties that can be annexed in the same manner. The property now borders the city limits and a consent to annex form has been signed. The Annexation Committee has recommended annexation and an Ordinance prepared by Attorney Tucker was presented for Council consideration.

Property Owner, Matt Vail, was in attendance and Mayor Fischer invited him to comment. Vail stated that he owns the 30 acre corner and only 1.5 acres is zoned as commercial with the remaining acreage zoned as agricultural. He said that he would have appreciated someone contacting him personally instead of receiving a letter. He also questioned what benefits there are to being annexed and asked if the city would consider installing a fire hydrant and granting a tax abatement for the addition to his building that he has already started. Vail said he was unhappy with the condition of his downtown lot after allowing the city to use it to pile snow.

Mayor Fischer and staff then addressed Vail's concerns. The only property being annexed is the property described in the consent form. The annexation would generate \$7,600 in sales tax annually which would equal more than one mil.

The Mayor asked Supt. Jurgensen to work with Vail on grading the downtown lot. Mayor Fischer and Supt. Jurgensen said that County Commissioner Addis told them that the county would not be turning the maintenance of the street over to the city. The city will have to look into the possibility of a tax abatement but Vail's and the Vet Clinic can approach the OEDC for the utility credit. Clerk Eddington said that Vail would be required to use the city's trash service as per the city's ordinance. Mayor Fischer said the subject of installing a new water line to the Vet Clinic and subsequently Vail's is on the agenda for later but will move up the item to discuss while they are at the meeting. Rea made a motion and Bringle seconded to approve the

Ordinance to annex the property. Motion carried with Owens and Vance opposing. Clerk assigned the Ordinance # 1337.

### **Fire Hydrant and Water Line to Regional Vet**

Supt. Jurgensen recommended that a fire hydrant be installed on the south side of the road going into the Vet Clinic. The hydrant would be less than 300 feet from either business which would allow them to receive a better insurance rate due to improved fire protection.

Supt. Jurgensen also recommended installing a 6” water line down the highway to service the properties. The cost of the larger 6” line would be around \$11,000; but would mean better water service to the Vet Clinic now and allow for increased water service to Vermont Street at a later date. A new meter would be set at the Vet Clinic. The property is currently serviced by a meter located at the Golf Course. Property Owner, David Newby, was concerned about blocking or damaging the driveway for his customers during installation and asked if the city would consider helping with the expense of running the new line from the meter to the building. Council asked what the additional cost would be to the project. Jurgensen said it would be another 100 foot of water line which would cost the city around \$30 plus the labor to install it. Bringle made a motion and Brown seconded to install the fire hydrant and recommended 2,300 ft. of 6” water line; give them what they need to hook up, and work with the property owners on the placement. Motion carried.

### **Ordinance – Condemnation Assessment**

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 CONDEMNATION AND DEMOLITION CHARGES OF 1211 FIRST ST. was submitted for approval. A statement for the costs associated with the condemnation of 1211 First Street was sent to the owner of record, Holly Dantic, and to Steve Christy who said he owned the property. The amount remains unpaid. Per state statute, the city can assess this outstanding amount to the property taxes. Owens made a motion and Brown seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance # 1338.

### **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).

### **Appointment – Tree Board**

Mayor Fischer submitted the appointment of Linda Schreppel to the Tree Board to fill a vacancy that expires April 2016.

### **Resolution – Annual Boundary Resolution**

A new Boundary Resolution # 2-9-15A was submitted for Council approval. At the beginning of each year, cities are to file a new boundary resolution if there have been any changes to the city's

boundary lines during the previous year. Jeanette Graue prepared the resolution and it was sent to Attorney Tucker for review.

Mayor Fischer asked if there were any additions or corrections to the Consent Agenda. Bringle asked about the comment made by Councilmember Rea on page 7 of the minutes of the January Council Meeting. The minutes read "Rea asked about the status of the house on 8<sup>th</sup> Street." Rea said it should be corrected to read "A" Street not "8<sup>th</sup> Street. Rea made a motion and Bringle seconded to approve the Consent Agenda with the corrections to the minutes. Motion carried.

## **OLD BUSINESS**

### **Water Rates - Ordinance**

An ordinance to increase the water rates was submitted for Council approval. At the January meeting, Council approved Option D from the Water Rate Study prepared by Ranson Financial. It was decided to implement a 12% increase now and in six months, implement the remaining 13% increase. The minimum charge for residential service (for first 1,000 gals) will be \$23.98; with \$9.54 per each additional 1,000 gals. The ordinance was submitted to Attorney Tucker for review. Brown made a motion and Rea seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance # 1339.

### **Refuse Rates – Ordinance**

An ordinance to increase the refuse rates was submitted for Council approval. At the January meeting, Council approved a 7% increase in rates across the board. The charge for residential service will be \$15.35. The ordinance was submitted to Attorney Tucker for review. Vance made a motion and Rea seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance #1340.

### **Condemnation – 115 Union Demolition Bids**

A bid for \$3,715 was presented from B-3 Construction for the demolition of the structures at 115 Union. Bid opening was February 4<sup>th</sup> and only one bid was received. The deadline for the property owner to do the work was January 15<sup>th</sup>. Council asked why the amount was so much higher than previous bids. Supt. Jurgensen said that the property has two outbuildings. The floors in both the house and outbuildings are concrete slabs. They are more difficult and costly to remove. Also the house has asbestos siding that will need to be disposed of properly. Bringle made a motion and Rea seconded to approve the bid. Motion carried with Owens opposing.

### **CDBG Housing – Revised Housing Plan**

A revised Housing Plan, submitted by Grant Administrator, Susan Galemore, was presented for Council approval. CDBG made a couple of small changes to the plan that the city approved at the beginning of the housing grant in 2013. The changes to the current document:

- *Page 2, Types of Financial Assistance, Paragraph 4* – removed the words "(unless a rental agreement has been signed)"
- *Page 8, Disposal* – changed the last sentence of the paragraph in the old plan "At minimum, the goal is to at least cover the city's costs, but efforts will be made to sell the home for more, with those dollars going back into homeowner rehabilitation" to the new

plan that states “The goal is to cover the city’s costs. However, the selling price may never be more than the appraised cost.”

Rea made a motion and Bringle seconded to approve the changes to the plan. Motion carried.

**Stone Hill Estates – Selling Approximately 14 Acres (Grainger Property)**

Rea said that the Housing Committee had discussed that they would like to see the set-backs at Stone Hill Estates deeper than the 25’ that has been used as the standard for city lots. Clerk Eddington reported that she is currently waiting for more information from the Engineers.

Clerk Eddington said the appraisal for the 14 acres, that the city has decided to sell, came in at \$47,000. This is much lower than expected. The appraiser said it was valued lower because of the size and condition of the house. Consensus of the Council was that the appraiser did not take in to consideration the value of the arena and acreage. The property used in his comparison did not have near the acreage this property has. In 2010 the County had the property appraised at \$59,600. Clerk Eddington said there are several individuals who have requested to be notified when the price is set on this property. The Housing Committee asked her to see if we could do an auction for \$1500. Chesnutt said that he would do it for \$1500 rather than a percentage of the sale price.

Brown made a motion and Owens seconded to sell the property by auction through Chesnutt & Chesnutt and to set the reserve price at \$65,000. Motion carried. Clerk Eddington said Chesnutt has openings in March. Council suggested the sale not be set during Spring Break and felt March 28<sup>th</sup> would be a good date.

**NEW BUSINESS**

**Letter from USD 504 – Street Maintenance**

Council discussed a letter the city received from the School Board in regards to the agreement between the city and the school on the road to the ball field complex. The letter requested that the city fulfill its part of the agreement by providing chip and seal to the surface of the road.

Clerk Eddington said that the agreement was for the school to construct the road and then the city was to provide the chip and seal. She spoke to Supt. Jurgensen who said that it was actually the city that ended up constructing the road. The finishing work was done with numerous loads of rock hauled and graded and culverts installed. Jurgensen also said the city no longer has the equipment to do the chip and seal work. Clerk Eddington said she contacted Skip Riley that same day and let him know what the City Superintendent had said. Riley said the agreement may need to be revisited and advised Eddington not to do anything until he checked in to it and got back with her. Sometime later it came out in the paper that the city had not responded to the letter from USD 504. Mr. Karlin was contacted to let him know that the item would be discussed at the Council meeting as well as what had already transpired. Karlin said that the construction company indicated that they had built the road. Mr. Karlin also said he would correct what had been put in the newspaper.

Supt. Jurgensen said he estimated it would cost around \$6,900 to overlay the road. Council concluded that the agreement should be revisited. Mayor Fischer asked Councilmember Rea and Supt. Jurgensen to meet with him, Mr. Karlin, and anyone he wished to attend also to discuss the issue further.

### **Housing – Stone Hill Estates, Phase I Street**

Mayor Fischer and Supt. Jurgensen said they will not be able to set the price of the lots until the lot sizes are redone by the engineer. Currently there is no access to the lots. Supt. Jurgensen estimated that the cost to construct a street would be \$60,000 – 66,000 and that the city crews could do the work. Council asked how this would be funded. Mayor Fischer said the revenue from the sales tax is slated for street maintenance and development. Owens said he thought the city had said we were not going to use sales tax revenue for this street. Mayor Fischer said that was when the ½ cent sales tax increase was being discussed, not the current sales tax. After further discussion Council agreed that this is not a good time of year for road construction and asked for the item to be placed on the agenda for next month.

### **2013 Utility Write-offs**

A list of unpaid utility bills for 2013 that have been submitted to the State of Kansas Set-off Program was presented. Under this program the state will collect payments for municipalities from various payments made through the state to individuals such as income tax refunds. (The state retains 18.4% of the funds collected.)

With Council approval the process allows the outstanding amounts to be removed from the current accounts receivables. The information is kept on file and collection attempts are continued. Owens made a motion and Brown seconded to approve the 2013 write offs. Motion carried.

### **Golf Course – Permission to Sell Unused Equipment**

A request from the golf course was presented asking Council permission to sell some unused equipment. The equipment included old obsolete golf carts they plan to sell on Purple Wave. Some work and some do not. They would also like to sell a Cushman 3-wheel utility cart. They plan to advertise for sealed bids in the newspaper on the Cushman since they cannot sell this through Purple Wave (they don't have a title.) Rea made a motion and Brown seconded to allow the sale of requested equipment. Motion carried.

The golf course also requested permission to tear down a lean-to that was added onto the north side of the northwest shed many years ago. They said it has become unsightly and they do not need the storage space. They plan to do the work themselves and then paint the shed. Owens made a motion and Brown seconded to allow the removal of the lean-to. Motion carried.

### **First Southern Baptist Church – Water Leak**

A request was received from First Southern Baptist Church to reduce the amount of their bill after a recent water leak. The church fixed the leak promptly after it was discovered. The bill

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was for 38,000 gallons (\$336.65 in water charges and \$115.85 in sewer charges). Normally, their bill runs \$21.71 for water and \$17.40 for sewer – which is the minimum for both.

Kevin Sheddrick asked that the sewer charge be reduced to their normal charge of \$17.40 as the excess water from the leak did not go down the sewer. (Usual policy with a leak.) He also asked that the city charge them at the city's cost only for the 38,000 gallons. In December, 2014, the city's cost figured out to be \$6.63 per 1,000 gallons, which would make their water charge \$251.94.

When asked, Clerk Eddington said the city's policy for Commercial accounts is to charge the city's cost after 2 ½ times the normal bill. Council agreed to implement the current policy which would have the church pay the regular rate for the first (3) three thousand gallons and the city's cost for the remaining 35,000 gallons (\$270.50). Owens made a motion and Vance seconded to adjust the bill to \$17.40 for the sewer and \$270.50 for water. Motion carried.

### **Hay Bids**

The city went out for bids to mow the hay on the following city properties: Airport, Oswego Industrial Park areas (Bud Coons Blvd and North Hwy 59) and Stone Hill Estates at 11500 Rd. The only bid received was from Rocky and Everett Becket. They bid the same amounts as last year on the industrial park areas and slightly more than last year on the airport and Stone Hill Estates.

Supt. Jurgensen had asked that the city go out for bids earlier than last year to give the one awarded the bid an opportunity to fertilize before the growing season. Council asked about the 14 acres that are for sale. Jurgensen said that it was in the contract and brought to their attention that if the property sold before the first cutting they would not owe for that amount or if already paid, they would be refunded. Jurgensen recommended awarding the bid to the Beckers. Bringle made a motion and Rea seconded to approve the bid. Motion carried with Owens opposing.

### **Planning and Zoning Recommendation – Annexed Properties**

According to Planning and Zoning Regulations, properties are annexed into the city with the R1, Single Family Residential zoning. At the January Planning and Zoning Commission meeting, discussion was held on the newly annexed commercial property (and the potential annexation of Vail's Automotive). While land use is grandfathered in at the time of annexation, there would be no grandfathered status for a new building or addition if the businesses would like to expand and grow. Protection for this would come within the correct zoning. Vet clinics are not permitted in any of the city's zones, however, they can be allowed under a conditional use permit. The Planning and Zoning Commission feels that it is in the best interest of the business and the city to go through the required process to obtain a conditional use (CUP) to operate a vet clinic at this property. Since Council has now annexed Vail's Automotive, zoning for that property should be changed to CP3, Planned Highway Commercial (the only zoning district that automotive repair is allowed).

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In order to grant the CUP for the vet clinic and change zoning for Vail's, the Planning and Zoning Commission must hold a public hearing and notify all of the surrounding property owners of the proposed change and hearing date. The Planning and Zoning recommended Council approval for this process with the public hearing to be held during their March meeting on the 23<sup>rd</sup>. Bringle made a motion and Rea seconded to approve a public hearing for a CUP and zoning changes for the newly annexed businesses. Motion carried.

#### **Middle of the Street Parking on Commercial St.**

Mayor Fischer stated that he was approached by a concerned citizen who feels that parking in the middle of Commercial Street creates a traffic hazard and proposed stop signs at all of the intersections. Chief Elliott said downtown parking is already limited. If parking down the middle of the street was eliminated it would only add to the problem. Elliott stated he did not feel there had been enough accidents downtown to warrant stop signs at all the intersections or the need to eliminate parking in the middle of the street. No action was taken.

#### **Executive Session**

Rea made a motion and Brown seconded to go in to Executive Session with the Mayor, Council, Attorney, City Superintendent and City Clerk for 15 minutes for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship. Motion carried. Executive Session began at 8:14pm and ended at 8:31pm. No action was taken.

#### **INDIVIDUAL REPORTS**

**Vance** – asked who took care of the cemetery. Bill Cunningham said it was Jolene Gaier.  
- asked who does the city's vehicle maintenance. Chief Elliott said that he alternates between Stapleton's and 4<sup>th</sup> Street Auto and can now add Vail's Auto in the rotation.  
- said she has received a report that the individual who lives at 3<sup>rd</sup> & Union keeps running that stop sign – almost causing an accident more than once. Chief Elliott said he would talk to him.

**Owens** – asked who put the speed limit sign on Ohio. Elliott said the Sherriff's Dept did that.

**Bringle** – asked about the Tasers and security cameras. Chief Elliott said that he had spoken to the County Attorney and they have asked for more information. He also asked about body cameras. He is waiting to hear back.

- said the League newsletter had an article about how the state is trying to change the Elections from April to November and will require candidates to file a party. Bringle encouraged people to contact their legislatures. Mayor Fischer said this would eliminate all Federal employees from serving on the Governing Body.

**Jurgensen** – said they have pumped out 2 ½ million gallons from the water pit. He plans to monitor the pit for another 10 days or so to see if the pit is being spring fed.

- they have changed out a leaky valve and found a crack in the south filter that has contributed to the leak at the water plant. SK& W has taken pictures and he will work with them for a solution.

**Elliott** – said there is increased traffic from the courthouse to the parking lot across the street. They plan to install a crosswalk at the intersection on the south side of the parking lot.

**Eddington** – said she was approached by one of the candidates about a possible Candidates forum or Meet & Greet opportunity. After checking in to this with a facilitator she found out that this was normally conducted by the Chamber of Commerce. Council felt, in order to avoid any appearance of partiality on the part of the city, the chamber should be the ones to conduct the event. Clerk Eddington will contact the chamber about doing this.

- said that staff has started gathering the information on Employee Benefits that the Council requested. A spreadsheet was provided but there are more items to compare. Additional information on Dental Benefits and Salary is still being compiled and should be ready at the March meeting.

- asked that the Council Members be here at 6:15pm for the March meeting so that a picture of the outgoing Council can be taken. Clerk Eddington said she would remind everyone on the March agenda.

- said the city had just received preliminary renewal rates for Health Insurance for the new benefit year that begins July 1<sup>st</sup>. The increase is 2% for the high deductible plan and 4.9% for the low deductible plan. A 10% increase was budgeted for. She said that the city hasn't gone out for bids for the past 3-4 years and wanted to know if Council wanted to go out for bids. Due to the complicated health care laws the last time the city went out for bids Phil Blair did the analysis of bids and the time before Group Benefits out of Wichita was used. The cost to do the analysis in 2008 for Group Benefits was \$2,400. Council agreed that the increases were minimal and did not feel bids were warranted at this time.

## **PUBLIC DISCUSSION**

Mayor Fischer asked if there were any comments from the public.

**Bill Cunningham** – said that in the past the city had stated they would not be using revenue from the sales tax to build streets in the new housing addition. Mayor Fischer stated that the city said they would not use the revenue from the proposed new ½ cent sales tax (that was defeated) for streets for the housing addition.

**Caleb Strickland** – said he had met with 10 of the top businesses in town and they are disappointed with the city. He suggested all new business, especially specific to Stone Hill Estates, be tabled until the new Council is in place.

## **ADJOURNMENT**

There being no more comments or further business Owens made a motion and Vance seconded to adjourn the meeting at 8:52pm. Motion carried.

Attest:

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Mayor Glenn Fischer

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Deputy City Clerk Renee Cochran