

Regular Council Meeting
May 11, 2015 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers, Bill Owens, Jane Rea, Kelly Vance, Darren Tynan, Caleb Strickland and David Newby with Mayor Bill Cunningham presiding.

Also present: City Attorney Rick Tucker, City Clerk Carol Eddington, Police Chief George Elliott, Deputy Clerk Renee Cochran, Brandon Conrad, Toby Wertz, Pastor Bob Conway, Laura Cunningham, Darrell Belcher, Heather Brown, Larry Richardson, Carole McKinley, Paula Kern, John Davis, Chris Brown, Regina Curnutte, Pat Hendrickson, Jill and Trevor Blankinship, Randy Kirkpatrick, Janelle Goins, Larry and Gary Tomey, Carol Bush, Taylor Witty, Jan Owens and Dan Chapman.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Bob Conway, First United Methodist Church, gave the opening prayer and Councilmember Rea led the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

Resignation- Susan Bringle

Mayor Glenn Fischer read the resignation of Councilmember Susan Bringle which stated she was resigning due to personal reasons. The statement included a thank you to all those that she had served with and to the City Staff.

Service Presentations – Mayor Fischer and Councilmember Brown

Mayor Fischer presented Councilmember Dee Brown with the gift of an engraved clock and certificate in appreciation of her service for the past four years.

Council President Jane Rea, presented Mayor Fischer with a framed certificate of appreciation and a Bass Pro gift certificate for his many years of service. Mayor Fischer was first appointed to serve as a Councilmember in 1986. He served from then through April of 1993. In January 2003, he was again appointed to serve as Councilmember and served until he was elected Mayor in April 2011. He served as President of the Council from 1986 – 1993 and then again 2003 – 2011.

There was a short break to allow time for congratulations and well wishes. Refreshments were served. At 6:41 the meeting resumed. Mayor Fischer thanked everyone for their best wishes and read some parting comments. Fischer stated that he was “proud of what we were able to achieve” and said that “my goal was always to grow and be progressive and do what was in the best interest of the city.” He encouraged the new Council to “work together constructively and look at the big picture – not just the pressure from a select few.” He closed with thanking the many volunteers that serve on the City’s Boards and Commissions and the City Employees.

Swearing in Elected Officials

Clerk Eddington swore in Bill Cunningham as Mayor. Mayor Cunningham submitted David Newby as a candidate to fill the vacant Council seat. Rea made a motion and Owens seconded to approve the appointment. Motion carried.

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City Clerk Eddington then administered the Oaths of Office to the recently elected and appointed Council Members Bill Owens, Darren Tynan, Caleb Strickland and David Newby.

PROCLAMATIONS AND RECOGNITIONS

Saturday Farmer's Market – Regina Curnutte

Regina Curnutte attended the meeting to inform Council that she and a couple of other ladies would like to do a Farmer's Market on Saturday mornings from 9:00 a.m. – 1:00 p.m. at Schmoker Park. Curnutte said she is not a vendor at the regular Farmer's Market held on Thursdays at the same location. She feels a Saturday morning market would be beneficial to those cooking out on the weekends and those traveling through Oswego.

Janelle Goins, who is in charge of the Farmer's Market, also attended the meeting and said she felt this would be in competition with the already established vendors but was not against it. After some additional discussion Tynan made a motion and Rea seconded to approve the use of city property for a Farmer's Market on Saturdays from 9 a.m.-1:00 p.m. Motion carried.

Old Grainger Property Proposal- Taylor Witty

Carol Bush, of Wood Dulohery, accompanied Taylor Witty to the meeting to present the Council with a proposal from Mr. Witty for the purchase of the property. Bush said that the property won't qualify for a USDA loan in its current condition. Witty is offering \$60,000 for the property, with the contingency that he is allowed to make the necessary improvements before closing, to bring the property up to a standard for a USDA loan approval. In the agreement presented by Realtor Bush the city would only be responsible for any repairs to the septic system and a termite inspection.

Attorney Tucker said that possession before closing is a "slippery slope" and a written addendum would be needed. Bush said that the appraiser would be the one to make the list of what would be required for the loan to be approved. After further discussion the Council decided it did not want to put any money in to the property but sell it as is. No action was taken on the proposed agreement.

CITY ATTORNEY

Mutual Aid Agreement – Fire Protection – Lola Township

Clerk Eddington reported that Fire Chief James Johnson, of Lola Township (in Hallowell), has presented Chief Strickland with a Mutual Aid agreement in hopes that the two departments can team up and aid in one another's calls when necessary. Eddington said Chief Strickland told her they are a new department but they do have two tankers and a pumper truck. The agreement was sent to Attorney Tucker for his review and Chief Strickland has recommended Council approval. Vance made a motion and Rea seconded to approve the agreement. Motion carried.

Ordinance – Conditional Use Permit for Randy Kirkpatrick

Randy Kirkpatrick attended the meeting to request a conditional use permit to construct two accessory buildings on two adjoining lots. Neither lot has a single family dwelling therefore, allowing an accessory building requires a conditional use permit. The Planning and Zoning

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Commission held a public hearing on April 20, 2015 on the issue. All surrounding property owners were notified of the public hearing and it was published in the newspaper as required. There were none in opposition at the hearing.

On the lot along Indiana Street, Kirkpatrick wishes to install a 14' x 40' manufactured building for a library, hobby and storage area. On the lot along Second Street, he wants to install a 42' x 48' greenhouse. This will be for his personal use, not a commercial operation. The greenhouse will be a galvanized steel frame and double-layered, 6 mil. film. He said that he may make the north end of the greenhouse out of something other than the film for stronger protection from the north wind.

Mr. Kirkpatrick plans to landscape the areas around both buildings. At the Public Hearing, the Housing Commission noted that the lots look better than they have in years and is recommending Council approve the Conditional Use Permit for both buildings with no restrictions. After reviewing the plans and some discussion Tynan made a motion and Owens seconded to approve the conditional use permit. Motion carried. Clerk assigned the Ordinance #1344.

SEK Museum

Clerk Eddington said that she and Chief Elliott had met with a representative of the Dept. of Wildlife and Parks, Keith Rather, at the SEK Museum earlier in the day. Eddington said staff has been making calls trying to find out what the regulations are on the proper disposition of the mounts left in the building in preparation for the June 1st deadline for the building to be cleaned out. Chief Elliott said that all of the birds that are federally protected can only go to someone who has a permit. Otherwise they will need to be destroyed and the destruction must be documented. Council suggested that the eagle be given to a Boy Scout group for a ceremonial destruction. Rea said there are no longer any scout troops in Oswego, that Parsons would be the nearest troop.

Chief Elliott said the other items with horns are in bad shape. Rather told them that they could remove the horns and after destroying the mounts sell the horns. Eddington said that the city is looking at our options to be ready June 1st. Council suggested getting the locks changed on the building after the June 1st deadline has expired.

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

Appointments – Annual Appointments – Staff

The Mayor presented a list of staff appointments for Council approval.

City Clerk	Carol Eddington
City Superintendent	Calvin Jurgensen
Police Chief	George Elliott
Fire Chief	John Strickland

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City Treasurer	Peggy Strickland
City Attorney	Rick Tucker
Municipal Judge	Fred Johnson
Enforcing Officer	City Supt. Jurgensen & Police Chief Elliott
Zoning Officer	City Supt. Jurgensen

Appointments – Annual Appointments - Other

Mayor Cunningham appointed Labette Avenue for the official newspaper, Labette Bank as official depositories for General, Special Grant Accounts, and Commercial Bank as the official depository for the Petty Cash Account. A list of individuals eligible to sign the checks for these accounts were included.

Mayor Cunningham asked if there were any additions or corrections to the minutes. Councilmember Strickland made a motion to remove one of the items from the Consent Agenda for discussion. On the list of Staff Appointments Strickland said he was concerned that the City Superintendent had three “titles”. He said he felt that may be more responsibility than one person should have. Supt. Jurgensen said that the Code Enforcement and Zoning doesn’t take that much time and Chief Elliott also helps with that. He also said that Brett Trotnic, Assist Superintendent, can help out when needed. Eddington said they were checking in to some training from the League on Code Enforcement and Jurgensen had said he was willing to get some training when available. Mayor Cunningham said that previous Mayor Fischer felt Supt. Jurgensen had been doing a good job and was one of the best City Superintendent’s the city has had. The motion to remove the item from the Consent Agenda failed for lack of a second.

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

OLD BUSINESS

Streambank/Water Plant Project – Filter Leak

An estimated quote from JACOR Contracting in the amount of \$8,000 for the hydrophobic foam injection process, recommended by engineers at Shafer, Kline and Warren was presented. Supt. Jurgensen said they would drill from the outside and inject the sealant which will expand to fill the cracks. The quote has been sent to and approved by Rural Development for payment with grant funds. Jurgensen said that Rural Development has also approved an additional process where they will add strips as a backing for the sealant. Jurgensen said this would be cheaper than a liner and would be additional insurance. JACOR’s quote for the strips is \$4,125 which would bring the project cost up to \$12,125. Jurgensen said that Rural Development spoke with the engineering firm and is confident in the estimates but added there is no warranty. The work would start in 14-20 days. Owens made a motion and Newby seconded to accept the bids. Motion carried.

Restroom at Schmoker Park

Supt. Jurgensen reported that he received a quote from Trotnic for a block building with a roof in the amount of \$5,000 and has estimated the cost of plumbing and fixtures to cost approximately

\$3,000. He said a metal building would cost about \$7,000. The building is for a one person restroom with stainless steel sink and toilet. Clerk Eddington said that if the Council wishes to move forward, it can be expensed out of the Sales Tax-Parks Fund. Currently, there is \$51,187 in that fund.

Councilmember Owens said Chetopa had received a CDBG grant for park improvements and asked if Oswego could do the same. Clerk Eddington said that she had checked in to it and Susan Galemore said we would have to do a new LMI (low to middle income) survey. The last census showed that the city did not LMI qualify. Eddington said that it could and needed to be done again but that would take some time and resources.

Council discussed further the need for a restroom at Schmoker Park and possible placement. Council questioned whether the sidewalk and building would allow for the restroom to be ADA accessible. Vance made a motion and Tynan seconded to table the topic until they had more information on the ADA requirements and costs for the restroom and sidewalk areas. Motion carried.

Farmer's Market - Sign

Last year a quote for \$700 was presented from Wright Signs for a sign advertising Schmoker Park and Farmer's Market. Mayor Cunningham asked that the issue be placed on the agenda again this year. He said that the shelter house was built with volunteer labor and thought the city should pay for the sign. Council agreed and discussed that the days and times the farmer's market was open needed to be removable so that could be changed when needed. Council also said they would like to see some different color options for the sign. Strickland made a motion and Tynan seconded to approve the purchase of the sign pending the selection of a different color. Motion carried.

CDBG Housing Grant – Bids

Administrator, Susan Galemore, went out for bids on two more houses to rehab since there were still grant monies available. The bids received on May 11th, 2015, for 425 6th: Ewing Construction - \$18,800; S&A Construction - \$19,163. Bids for 619 Kansas: Ewing Construction - \$26,800; S&A Construction - \$25,225.

Grant Administrator Galemore recommended accepting the low bid on each property. Council asked if there is a \$20,000 threshold? Eddington said that was correct. Approval of the contract for 619 Kansas will be contingent upon additional funding being procured for the balance or the homeowner paying for the repairs themselves to make up the difference. Eddington said Galemore is seeking funds from SEKCAP for part of it. Rea made a motion and Owens seconded to approve the lowest bids for each property, the 619 Kansas bid contingent on the city grant paying only \$20,000. Motion carried.

Old Grainger Property for Sale - Proposal

Loretta Hixon, Seattle Washington, has contacted the city office with a proposal to purchase the 14-acre property "on contract" until she and her husband can get back here and procure financing

for the purchase. Clerk Eddington reported that she forwarded the proposal to Attorney Tucker. Attorney Tucker has reviewed the offer and told Council there are a lot of issues with this type of arrangement. He advised against it. Council agreed. Owens made a motion and Tynan seconded not to accept the offer. Motion carried.

NEW BUSINESS

Proposed Changes to Swimming Pool Fees

Supt. Jurgensen spoke to the Council about sparking some enthusiasm back at the pool and suggested lowering the cost of admissions and passes to make it more affordable for families. Income from admissions, family passes and concessions has been on a steady decline and Jurgensen believes this will help turn that around.

Council was provided with a sheet that shows how Oswego's rates compare to surrounding towns and what he is proposing for the new rates. Clerk Eddington reported that according to records, we were charging \$1.50 as far back as 2005 and that was before we had to begin paying minimum wage to lifeguards. She said that the new pool manager, Heather Duke, is aware of the revenue deficit and has agreed to be diligent in keeping only the number of guards on duty that is needed. Duke is also working on ideas to bring more interest to the pool such as games, contests, events, evening swims, etc. Councilmember Strickland made a motion and Tynan seconded to reduce the Family Swim Pass from \$125 to \$80 and general admission from \$2 to \$1. Mayor Cunningham called for a vote with Strickland, Tynan and Vance voting yea and Newby, Rea and Owens voting no. Mayor Cunningham broke the tie vote with a yea vote. Motion carried.

West Shelter House – Riverside Park

Mayor Cunningham addressed the Council on behalf of the Parks and Community Foundation. The Parks and Community Foundation still plan to replace the west shelter house with one like the other shelters in the park. He has been made aware that there are individuals interested in erecting a Veteran's Memorial. They would like a structure that they can put names on. Mayor Cunningham would like permission to approach the individuals to see if they would be interested in incorporating the renovation of the west shelter house with the Veteran's Memorial. Name plates could be placed on one of the walls of shelter building. Strickland made a motion and Vance seconded to allow the Parks and Community Foundation to move forward with the shelter project and asking if there was interest in using the west shelter for a Veteran's Memorial. Motion carried.

Nuisance Abatement – Resolution

Clerk Eddington reported that 1319 3rd St. has been written up for nuisance violations. The owner of record is Carl Kepner, who is now deceased, and no one is living in the house. The violation letter was sent but returned as undeliverable. In this scenario, the law allows for the city to clean up the property upon passage and publication of a Resolution. The Resolution allows another 10 days for clean-up and states that the charges for the city to do the work will be assessed to the property taxes. Owens made a motion and Strickland seconded to approve the

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resolution to clean up the property and assess the charges to the property taxes. Motion carried.
Clerk assigned the Resolution #5-11-15A

McCarty's Proposal for Computer Maintenance

A Network Support Proposal from McCarty's Office Machines for "Managed Services" was presented. Managed Services includes monitoring the network, equipment and backups, 24 x7 remotely to resolve issues before they become severe. The desktops, servers, data, firewalls, routers and switches are all part of the network and therefore included under the monitoring. The cost for the plan is \$199.00 for the Server and \$10 per month for individual work stations for a total of \$249.00 per month for the City Office. Each additional computer (such as Police Chief or City Supt.) would cost another \$10 per month.

Clerk Eddington reported that McCarty's performed a free Network Assessment to see if there were any security issues with the city's network. On a scale of 1 to 100 with 1 being low risk and 100 being high risk the city's network system scored a 94 which is "High Risk". She said if we do not contract with McCarty's we will still need to have someone come in to do some work. Staff has not been able to download critical security updates and has an issue with the IP address. Council discussed that they did not want a big upfront bill. Clerk Eddington said that she could check with McCarty's to see if all of the work could be done remotely and was included in the monthly charge. Strickland made a motion and Tynan seconded to approve the proposal with the stipulation that it be revisited on a month by month basis. Mayor Cunningham called for vote with Strickland, Tynan, Vance and Newby voting yea and Rea and Owens voting nay. Motion carried.

Election of Council President

Each year, the Council elects a president at the May Council meeting. The president fills in for the Mayor at meetings when he is unable to attend and would fill in the remaining term of the Mayor if he is unable to do so. Tynan made a motion and Strickland seconded to elect Bill Owens as Council President. Motion carried.

Red Chair Investments – Sewer Line

Red Chair Investments has submitted a request to be reimbursed for bills totaling \$607.06 for repairs to their sewer line. Supt. Jurgensen stated that Red Chair Investments recently had issues with their sewer line and when they had it dug up, discovered that when the new water line was installed during the water project, the line went through Red Chair's sewer line. Council questioned why the city would be liable if the construction company caused the damage. Jurgensen said it has been over a year so it is too late to submit a claim. Jurgensen said he felt since it was the city's project that caused the damage, the city should pay for the repairs. Tynan made a motion and Newby seconded to reimburse Red Chair. Motion carried.

Donation Request – Cancer Fundraiser

Council reviewed a letter the city received from Lisa Hoppock who is putting together a cancer fund raiser to raise money for an individual in Oswego who has a Stage IV cancer. Clerk Eddington said that the city does have a budget for donation requests but donations are normally

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made to organizations. The Council has refrained from donating to individuals in the past. No action was taken on the request.

Questions on Section# 9

Owens – asked about the water loss. Supt. Jurgensen said they have been looking at everything. He said it appears as though there may be a difference in the raw water report and is going to work with the Utility Clerk to make sure they are on the same page. Owens asked if they could do a tour and see how the process works. Supt. Jurgensen said he will work with them to set a time that will work for everyone.

Strickland – asked about the airport fuel. Supt. Jurgensen said they bought the fuel for \$3.67 and are charging \$4.05 so it is a good profit margin. Strickland said he would like a better report for the airport. Clerk Eddington said that Tracy has been working on a report for the fuel. A revenue and expense report for the month can be generated through the software but it would not take in to consideration revenues and expenses from previous months and years that affect the overall picture.

Staff Oath of Office

Mayor Cunningham administered the Oaths of Office to the City Clerk, City Superintendent, Chief of Police and City Attorney.

INDIVIDUAL REPORTS

Stickland – said he would like the Stone Hill Estates put back on the agenda to discuss de-annexation, selling of the property and termination of the project. Stickland commented on the minutes of the Housing Committee that stated they were discouraged that all the time and effort they had put into project may be disregarded. He said the committee members he spoke to did not feel that way. Rea asked who he spoke to because she was the president of the committee and he did not speak to her. Rea also said that the statements in the minutes were accurate and no one from the committee had expressed any other sentiments to her or during the meeting.

Newby – asked what the actual cost of the Stone Hill Estates project has been so far.

Owens – asked if the city really hauled 110 tons of garbage each month? Supt. Jurgensen said yes.

- asked if the Council meeting night could be changed since it is the same night as the School Board Meetings. Clerk Eddington said that an ordinance would be needed to change the date and time. She said that in order to have time to prepare the accounts payables and financials and yet not be too late in the month at getting the bills out, it would need to stay within a few days of what it is now. Attorney Tucker said he could not attend if it was on the 2nd Tuesday of the month. Council member Newby said he could not attend on Wednesdays. Owens asked that it be put on the agenda for next month.

Newby – said he would also like the meeting on another night.

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Newby - said a better sign advertising the Grainger property for sale is needed at the property.

Vance – presented an agreement to Attorney Tucker to look over. She said Tom Pryor, Oswego Hospital, would like something in writing saying that the city would allow the hospital to set up a triage at the Community Center in the event of a mass medical emergency. Attorney Tucker said he would look over the proposal and report the finding.

Eddington – said the city received a dividend check from EMC Insurance for \$9,511.23. This was more than what was expected and improved the bottom line for insurance expenses.

- said she had heard that the public is being told that the city would not allow the Music in the Park event at Riverside Park. She said that was not the case. The individual in charge had asked about changing it from inside the park to the Tennis Courts but the city told him there was no electricity there for his band and vendor, so he said the park would be fine. The city later contacted the individual about putting details in the city newsletter and was told not to include it in the newsletter as he didn't know whether they were still going to have it.

– said she will set up an orientation for the new Governing Body members as they are not able to attend the Governing Body Institute. Staff will also arrange a tour of all of the city facilities as well.

Tynan – said he would like to revisit the issue of allowing chickens in town. Clerk Eddington said the Planning and Zoning Committee would be meeting on Monday the 18th so she would put him on the agenda for 6:30 p.m.

Elliott – said he attended the ALICE Training through Labette Leadership. He is now certified for teaching school safety for armed intruders.

Jurgensen – said the chip and sealing for the street at the school and in the downtown alleys will be done in July.

Cunningham – asked how the agenda is set and how Council members go about getting the City Staff to do things. Clerk Eddington said that the Mayor is the one that sets the agenda and who the Council members need to contact if they have something they want the City Staff to do. The Mayor is who the Department Heads answer to. At Council meetings Council can request or discuss items they wish to have on the agenda but ultimately it is the Mayor in a Mayor/Council form of government that sets the agenda.

- said he wanted it to be made clear that he is not here to undo what the previous Mayor and Council has accomplished.

PUBLIC DISCUSSION

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

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Gary Tomey – said he enjoyed the meeting. Said the property adjacent to his, 638 Merchant, is unsafe and needs to be torn down. Supt. Jurgensen said he would check in to it.

Larry Richardson – said it appears that the city may end up taking less than the \$55,000 that was offered previously for the Grainger property and turned down. He suggested that the offer be revisited. Owens said it was not necessary - there was no longer any interest in the property from the person that placed the bid.

ADJOURNMENT

There being no more comments or further business Rea made a motion and Owens seconded to adjourn the meeting at 10:05 p.m. Motion carried.

Attest:

Mayor F. W. Cunningham, Jr.

Deputy City Clerk Renee Cochran