

Regular Council Meeting  
June 08, 2015 6:30 p.m.  
City of Oswego, KS 67356

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

Absent: Darren Tynan

Also present: City Attorney Rick Tucker, City Clerk Carol Eddington, Police Chief George Elliott, Deputy Clerk Renee Cochran, Brandon Conrad, Heather Brown, Larry Richardson, Carole McKinley, Paula Kern, John Davis, Angela Soloman, Nancy Korinek, Liz Turner, Roger Vance, Ken Foster, Steve McBrien, Trevor Blankinship, Jerry and Cody Chesnutt, Brenda Richardson, Jan Owens and Dan Chapman.

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

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

### **PETITIONS AND DELEGATIONS**

#### **Library - Liz Turner**

Liz Turner, Librarian, addressed the Council and answered questions regarding the Library budget. Turner said the Library receives 1/3 of the William O'Connell Trust and the Museum receives the other 2/3rds. The library has no control over the trust and if the city should stop funding the library then all of the trust funds would go to the Museum. They received \$21,584 from the trust in 2014.

Turner said the Library is requesting that the budget for 2016 be significantly increased because "costs are going up" and they need to install a new roof. It has been leaking and some of the revenue sources stipulate that funds cannot be used for these types of expenses. The library would also like to expand their Patron Services. Last year they provided over 20,000 materials to adults and 7,000 children's materials. The total attendance at children's program was 350. Turner also said that the prison and schools utilize the library and that the prison is a heavy user. Clerk Eddington questioned the proposed amount from the city being higher than the 3 mils that is levied for the library. Nancy Korinek said they didn't know how much a mil is - they were "shooting in the dark".

David Newby entered the meeting at 6:35 p.m.

#### **Temporary CMB License – Ken Foster, Fair Board**

Ken Foster, Fair Board, attended the meeting to request approval of the temporary Cereal Malt Beverage license application. It is for the week of the fair only. The CMB application was sent to the Police Chief, Fire Chief and City Attorney for review and approval and all three approved the application. Foster said that this year the Fair Board wanted to expand the Beer Garden from just the East side to the entire arena area. Last year they cleared \$6,000 in sales and it is one of their biggest revenue sources. Chief Elliott said with the expanded area he is concerned with enforcement but was willing to give it a try since they had not had many problems in the past.

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Newby made a motion and Owens seconded to approve the application. Motion carried with Vance opposing.

### **CITY ATTORNEY**

#### **Old Grainger Property – Contract for Sale**

A contract in the amount of \$62,500 for the sale of the Old Grainger Property on Wallace Road was presented. Jerry Chesnutt attended the meeting to answer any questions. Clerk Eddington reported that the contract had been sent to Attorney Tucker for review and he had no concerns but was not in attendance at the time to answer questions. Owens felt like the septic tank should be added to the paragraph where it stated the property was “as is”. Chesnutt said he didn’t think that would be a problem for the buyer. Council postponed the decision until later in the meeting after Attorney Tucker arrives.

#### **City Attorney Fee**

Clerk Eddington reported that Attorney Tucker has requested an increase in his hourly rate from \$175 to \$200/hr for city attorney and municipal court attorney services. Council determined to continue the discussion after the City Attorney arrives.

### **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).

Mayor Cunningham asked if there were any objections or corrections to the minutes. Council discussed the disposition of the federally protected birds and mounts at the SEK Museum. Chief Elliott said that he didn’t believe any mounts were saleable and that he had put on a new padlock and secured the doors. Clerk Eddington and Chief Elliott both said that the Fish and Game representative they met with said the city would need to witness the destruction of the federally protected bird mounts. Council felt that it would be best if they had something in writing. John Davis said that the National Eagle Repository operated by the US Dept of the Interior, Fish & Wildlife Service may be able to help with disposition of the eagle and other raptors as well. As there were no corrections to the minutes Owens made a motion and Rea second to approve the minutes. Motion carried.

### **OLD BUSINESS**

#### **Streambank/Water Plant Project – Quote to Replace Media & Underdrains**

A quote from Tri-Star Utilities – \$6,400 for replacing the media in the sediment basin and the under drains was presented. Supt. Jurgensen said that the foam had been inserted and they planned to put water in the filter and check for leaks the next day. Reinstalling the media is much more labor intensive than removing it. It is done manually using 100# bags and requires washing and draining the media, sand and anthracite several times. The quote was approved by Rural Development as being eligible for reimbursement with grant funds. Rea made a motion and Strickland seconded to approve the quote for replacing the filter media. Motion carried.

### **Airport Apron Grant – Bid Opening**

Bids for the asphalt work at the airport were opened June 2, 2015 at 2:00 p.m. Clerk Eddington reported that the bids came in higher than the engineer's estimate. Supt. Jurgensen said he has looked at the bid to see what could be done to bring costs down to what was budgeted, a reduction of approximately \$40,000 is needed. Jurgensen discussed items that could possibly be removed from the cost of the project – geo-textile fabric, seeding and some ductwork. Other items were discussed, including using a less expensive anchor and eliminating a tie down. Rea asked Jurgensen if he would look into whether the city could do the silt fence themselves.

Clerk Eddington said that ADG is looking for approval to work with the FAA to get the costs down and get all of the paperwork in to FAA. Rea made a motion and Vance seconded to approve ADG moving forward with the project contingent on staying within the previously set budget. Motion carried with Strickland opposing.

### **Schmoker Park/Farmer's Market - Sign**

An updated quote from Wright's Sign and mock-up of the new color scheme for the Schmoker Park/ Farmers Market sign was presented. The cost of the main sign is \$725 which includes a \$75 installation charge. The signs to add the days and time of the Farmer's Market at the bottom increases the cost by \$50 for each sign (there are 2 signs for each day & time since they will be placed back to back to be read from both sides). Therefore, the quote from Wright Signs with one day listed for the Farmers Market is \$825, to add Saturday the total cost is \$925. Council asked Supt. Jurgensen if he could install the sign himself and eliminate the \$75 installation charge. He agreed which brought the total cost down to \$850. Council also asked that the word "Park" be outlined in the cream color. Owens made a motion and Newby seconded to approve the quote for \$850 with the city installing the sign and the word park highlighted. Motion carried.

The mayor called for a short break at 7:49 p.m. The meeting resumed at 7:59 p.m. Attorney Rick Tucker entered the meeting at 8:02 p.m.

### **Stone Hill Estates**

At the May Council meeting, council asked that Stone Hill Estates be put back on the agenda for discussion. Clerk Eddington compiled the expenses to date - \$202,975, provided the plat map of the property for review as well as other pertinent information. Strickland said that he had attended the recent Housing Meeting. He spoke with some of the committee members and expressed his appreciation to them for all their work. Strickland told Council he would like to discuss the project in more detail and suggested they consider working towards something in a "smaller scale".

Council reviewed the information and Clerk Eddington reported that a price per lot had not been set yet. She is still waiting for Westar to call her back to get an estimate on the cost to bring electricity to the property and the Housing Committee doesn't want to spend any more time on developing the price of the lots until they know whether Council is going to move forward with the project. Newby said that he didn't think the city would be able to recoup their

investment if they just sell the property. After much discussion it was the consensus of the Council to have a joint meeting with the Housing Committee on June 25<sup>th</sup> at 6:30pm to get their perspective and to discuss the issue in more detail.

**Old Grainger Property – Contract for Sale (continued)**

With the arrival of Attorney Tucker the Council continued their discussion of the contract for the Grainger Property. Attorney Tucker said that a change could be made to the contract at item #4 where it states that the buyers were purchasing the property “as is”. The phrase “this includes the septic system” could be added. There was some additional discussion about making sure that the legal description was correct on the contract. Strickland made a motion and Owens seconded to approve the contract for \$62,500, contingent on the addition of the addendum and verification of the legal description. Motion carried.

**City Attorney Fee (continued)**

The council asked Attorney Tucker about his request to raise his attorney fees. Tucker said that his firm actually raised their rates a couple of years ago but had left Oswego at the \$175/hr rate. He said this was just a courtesy to let them know the rate had increased to \$200 and he planned to start billing the city at that rate. Vance made a motion and Rea seconded to accept the increase in the attorney fees. Motion carried.

**NEW BUSINESS**

**80<sup>th</sup> Anniversary of Swimming Pool Grand Opening**

Supt. Jurgensen reported that he had been working with the Pool Manager to come up with ideas to celebrate this anniversary. A pool party has been planned for June 19<sup>th</sup> that would be free to the public from 7:00 p.m. - 11:00 p.m. Jurgensen said they have received a quote from a DJ for \$495. The DJ also provides video screens, a light show and is interactive with the crowd. The Rec Commission and Chamber have each agreed to pay ½ of the cost of the DJ. Businesses have donated prizes for giveaways. Jurgensen said the only cost to the city for the evening will be to pay for lifeguards and concession workers (approximately \$175.) Strickland made a motion and Newby seconded to approve the city providing the pool staff for the event. Motion carried.

**Council Meeting Date Change**

At Council’s request, changing the date of the Council Meeting was put on the agenda for discussion, due to the City Council and School Board meetings being on the same night. Clerk Eddington compiled a list of items to consider when talking about changing the date of the Council meetings. Eddington said since we would not receive bills or bank statements in time it is not possible to have the meeting earlier in the month and still pay bills and provide financial reports. Later in the month, we would be paying late causing vendors to call expecting payment. Also for those that generate bills earlier in the month, statements would have two months on them, causing us to verify the amount due before making up the payment.

Clerk Eddington reported that the biggest issue is publication timing. The newspaper allows the city to submit ordinances and resolutions Tuesday morning after Council meeting for publication that week. Having the meeting any other night than Monday will mean a delay in getting

Ordinances, Resolutions and Notices printed in the newspaper. This would have a domino effect with the timing of mailings, public hearings and follow up meetings for Council and Planning & Zoning (by statute, there has to be so many days between publications, mailings and public hearings). Council also discussed that the City Attorney and some members could not attend on other nights during the same week. Owens agreed that filing the legal notices would be a problem on another night. It was suggested that perhaps the School Board would consider changing their meeting night. No action was taken.

**Health Insurance – Out of Pocket Reimbursement Policy**

Clerk Eddington addressed the Council about the city’s Health Insurance Out of Pocket Reimbursement Policy. She said a Health Ins. Premium Fund was established when the city went to the higher deductible insurance plans in order to save money on premiums. The amount budgeted minus the cost of renewal is put into this account each year. The monies are used to reimburse employees who have reached the max deductible and out of pocket, so as not to be such a financial burden on the employees.

The balance of the account now is \$21,663.61. Eddington said the current policy allows the city to reimburse employees at the rate of \$250 once they have met their deductible and \$500 toward their coinsurance - once they have paid out a minimum of \$500. The city offers two plans – one plan has a \$750 deductible with \$3,250 (+copays on medicines) total out of pocket expense, the other plan is a \$1,500 deductible with \$3,000 (+copays) total out of pocket. Clerk Eddington reported staff is requesting approval to maintain the policy for the current plan year and ask Council to consider whether they want to change the rate of reimbursement for the 2015-2016 plan year that begins in July. Owens made a motion and Strickland seconded to approve the reimbursement policy for the current plan year. Motion carried. Vance made a motion and Newby seconded to maintain the policy at the same rate for the plan year that starts in July. Motion carried.

**Street Project – Bid Opening**

The bid opening for the street project was held Monday, June 1<sup>st</sup>, at 10:30 a.m. Four bids were received:

Se-Kan Asphalt, Gas, KS	\$180,049.50
Blevins Asphalt, Mt Vernon, MO	\$182,543.25
APAC, Springfield, MO	\$218,270.00
Swift Constr., Neosho, MO	\$279,446.32

The city has never received a bid from Se-Kan Asphalt before. Supt. Jurgensen reported that he checked out references the company provided and received good reviews. He recommended accepting the low bid from Se-Kan Asphalt. Clerk Eddington said the city has \$329,262 in the streets fund for this type of work. Jurgensen said that he hopes to do some chip and seal and micro-surfacing this year as well. Owens made a motion and Rea seconded to accept the low bid from Se-Kan Asphalt for \$180,049.50. Motion carried.

### **Condition of Downtown Buildings**

At the Mayor's request the Council discussed concerns about deteriorating downtown buildings and what the city can do to work toward preventing their inevitable deterioration - as well as making the downtown more attractive. Council viewed photos of some of the buildings that are currently in need of repair, the old Ball & Claw, Eisenbrand Bldg and building the Rec Commission uses.

Owens asked if the city can inspect the roofs on buildings if they don't own them. Attorney Tucker said yes, as part of the city's code enforcement. Clerk Eddington supplied information in the council packet about the City Codes which provides procedures for the Governing Body in its efforts to preserve and protect existing buildings in the interest of public health, safety and welfare. This Code applies to dilapidated, disrepair, blighting, and/or unsafe buildings. The Code provides for the city to have the condition abated and the cost of the work assessed to the property taxes if conditions are not abated by the owner before statutory deadlines.

Council discussed what the best approach would be to make the owners aware of the problems and what they might do to assist them in their efforts to make repairs. Clerk Eddington said that in the past the city had offered to purchase paint for the buildings but the owners wouldn't do the repairs believing it would raise their taxes. Eddington reported that she had been in contact with County Appraiser, Delinda White, who said that painting and replacing a roof is considered general maintenance and therefore, will not raise the property taxes on that property. She said that if the building was totally re-sided or if the entrance was modified and improved, that would make a difference to the taxes but not drastically. She also said that interior improvements to downtown buildings would not be taxable as the appraiser does not go into buildings. She offered to attend a Council meeting to answer questions. Strickland thought it would be a good idea to talk to the business owners directly rather than sending them a letter on the condition of their buildings. The Council agreed. The consensus was for the Mayor to talk to the owners and then possibly set up a meeting with them and the County Appraiser so that she could answer questions.

The Council also viewed photos of the buildings that need skinning following the recent Downtown Demo Project. It was noted that the apartment building next to the Branson building that was demolished was also in bad condition. Additionally, the owners have made no effort to secure the building until the skinning can be completed. Clerk Eddington said that the city is not mandated to do the skinning. She has sent photos of the buildings to the State Historical Society and they will be the ones to determine what type of skinning is recommended.

### **2016 Budget Process**

Clerk Eddington gave an update on the progress of the 2016 Budget. She reported that she has begun working on inputting 2014 figures into the State Budget form. She will work this week with department heads on the Capital Improvement list and attend a budget workshop in KC. The process of developing preliminary budget figures for every line item in every fund has begun, however, the deadline for the County to have valuation figures to cities for use in the state

budget form is not until June 20<sup>th</sup>. Therefore, it will not be until after that date that she can begin putting everything together to see how the mil levy comes out.

Eddington said she plans to have the preliminary budget to the Council at the July 13<sup>th</sup> Council meeting. At that meeting Council will ask questions and give direction. After those changes are made a special meeting will be held to take a look at the effects of the changes. The Notice of the Public Hearing must be published 10 days before the public hearing and the budget should be certified to the County Clerk by the 25<sup>th</sup> of August. Strickland said they will need to have a budget committee.

### **Questions on Agenda Item #9**

**Eddington** – brought to the Council’s attention the LKM Webinar on June 10<sup>th</sup>. She said they are not able to tape it for later viewing.

**Strickland** – wants to see what it is costing the city for the airport without taxes as income. Eddington said she would provide a report with all expenses and all revenues except the tax revenue.

### **INDIVIDUAL REPORTS**

**Stickland** – asked if the mowing ordinance (grass height) is the same for commercial and residential zones. Jurgensen said yes, but industrial areas are allowed some leeway. Strickland asked about the Westar poles and Supt. Jurgensen said the city mows around them. Strickland said there is a lot of tree growth and brush around the poles by Diamond Coach.

- said the Golf Course wants the city to help them mow. Jurgensen said the city is struggling to keep up with city property and abandoned properties now and couldn’t do that without purchasing bigger equipment.

**Newby** – thanked Supt. Jurgensen for the tour of city properties. Newby said he thought they needed a radio at the water plant for emergencies. Mayor Cunningham asked if Chief Elliott could work with the staff on getting a walkie-talkie or radio fixed up at the plant.

**Owens** – asked about the water loss. Supt. Jurgensen said they found that they had figured the loss report from metered water. Also discovered it takes 90,000 gallons of water per month to analyze chlorine. The raw water meter doesn’t account for mud and the new meter is a dual read meter.

**Jurgenson**– it was discovered that the wall by the paper office wasn’t a common wall in the Branson Bldg demo project. It needs to be hand removed and a change order is needed. A proposal from G& G Dozer for \$4,000 to do the work was submitted. Strickland asked if the city could do it themselves. Jurgensen said that the grant will take care of the expense and the contractor is licensed and bonded so they would assume any liabilities. Owens made a motion and Rea seconded to approve the change order and accept the bid for \$4,000. Motion carried.

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**Eddington** - said the refrigerator at the community building is on the blink again. The city has had Joe Harding and Billingsly both work on it. It was purchased used for \$1200 a couple of years ago and has \$754 in repairs already. There is \$4,500 in municipal equipment for that line item. Joe Harding has one for \$3,000 and another company on-line has one for \$2,700. So with shipping charges the cost would be about the same. Joe Harding will also deliver and set it up. Council asked staff to check into whether Joe Harding would allow a trade-in and haul it off.

**Owens** – asked about airport fuel sales. He said it appears the city is paying .25 per gallon to process the credit card. The price per gallon is only .30 cents over cost. He said that is not enough profit. Jurgensen said he would take a look at it and make a price adjustment.

**Jurgensen** – said Mark Stapleton was promised a 5% raise when he passed his water certification. He has now passed the certification test. Council had mandated that there would be no raises in 2015. Jurgensen received the Mayor’s approval and asked Council permission to give Stapleton the raise. Strickland made a motion and Owens seconded to approve a 5% raise for Stapleton. Motion carried.

**Cunningham** – asked if we should be doing a LMI Survey so that we can apply for grants. Clerk Eddington said not all grants require a LMI Survey. She said that it takes a lot of work to do a survey. A form would need to be mailed out and then the city would need volunteers to go door to door or pay workers to do it. She said they can look in to it after the budget is done.

#### **PUBLIC DISCUSSION**

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

**Danny Chapman** – said he appreciated everyone taking the time to be here. The audience clapped in appreciation.

#### **ADJOURNMENT**

There being no more comments or further business Owens made a motion and Vance seconded to adjourn the meeting at 10:12 p.m. Motion carried.

Attest:

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Mayor F. W. Cunningham, Jr.

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Deputy City Clerk Renee Cochran