

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

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

Absent: Mayor Bill Cunningham

Also present: City Clerk Carol Eddington, Supt. Calvin Jurgensen, City Attorney Rick Tucker, Asst. Chief Brandon Conrad, Deputy Clerk Renee Cochran, Heather Brown, Larry Richardson, Carole McKinley, Paula Kern, Pat Hendrickson, Fred Hammack, Jr., Glenn Fischer, Dee and Chris Brown, Terry and Sherry Karlin.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Councilmember Kelly Vance gave the opening prayer and Councilmember Strickland led the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

Conditional Use Permit – Hammack

Fred Hammack, Jr. attended the meeting to request a conditional use permit to allow acceptable farm animals on the property that he is purchasing from his father at 1701 7th St. They have a calf that they would like to keep on their property, which is .848 acres. The zoning regulations require a conditional use for allowing acceptable farm animals on property less than 10 acres.

Clerk Eddington reported that the Planning and Zoning Commission held a public hearing on October 19, 2015 at 6:30 p.m. and there was no opposition. The Notice of Hearing was sent to all surrounding property owners as well as published in the Labette Avenue. Mr. Hammack attended the meeting and answered questions by the Commission. The Commission recommended Council approval of the request to allow one animal at a time and it be either a cow, horse, burro or llama (as requested by Hammack). An Ordinance changing the zoning for this piece of property was presented for approval. Tynan made a motion and Strickland seconded to approve the Conditional Use Permit to allow one animal at a time on the property as recommended by the Commission. Motion carried. Clerk assigned the Ordinance # 1351.

CITY ATTORNEY

Ordinance – Mowing 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 MOWING IN SAID CITY THROUGH SEPTEMBER 25, 2015 was presented for approval. The ordinance covers unpaid mowing charges through September 25th. Tynan made a motion and Vance seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance #1352.

Councilmember Newby and City Attorney Tucker entered the meeting at 6:35 p.m.

Ordinance – Standard Traffic Ordinance (STO)

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OSWEGO, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2015, PROVIDING CERTAIN PENALTIES, AMENDING SECTIONS 14-101 through 14-105 OF THE CODE OF THE CITY OF OSWEGO, KANSAS was presented for approval. The Standard Traffic Ordinance is prepared by the League of KS Municipalities and adopted on an annual basis. Clerk Eddington stated that the only change that the Police Dept. has made to the Standard Traffic booklet is to delete the section on work-utility vehicles. Chief Elliott is working on a separate ordinance for those and should have it for Council consideration next month. Rea made a motion and Newby seconded to approve the ordinance. Motion carried with Tynan opposing. Clerk assigned the Ordinance #1353.

Ordinance – Uniform Public Offense Code (UPOC)

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OSWEGO, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2015, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AMENDING SECTIONS 11-101 AND 11-102 OF THE CODE OF THE CITY OF OSWEGO, KANSAS was presented for approval. The Uniform Public Offense Code is prepared by the League and adopted on an annual basis. Clerk Eddington stated that the city has made a couple of amendments to the Code as noted in the ordinance. These are the same changes the city has included for a number of years. Rea made a motion and Tynan seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance #1354.

Hoag Water District – Invoice

At the Council's request, Attorney Tucker sent a letter to Mr. Epler on October 28th regarding an invoice that the city received from the Hoag Water District. The invoice was for a water meter that the water district said was installed in the 1970's at the airport. Council reviewed the letter denying the invoice and is waiting to hear back from Hoag. It was noted that if Hoag wishes to meet, the Mayor, Councilmembers Owen and Tynan have agreed to do so.

Offer to Purchase Stone Hill Property

The city has received an offer on the Stone Hill Property. Council President Owens asked that the subject be tabled until the Mayor was able to chair the meeting. Rea asked about the deadline on the offer. Owens said that it has been agreed to extend the deadline. Tynan made a motion and Newby seconded to table the subject until Mayor Cunningham returns. Motion carried.

CONSENT AGENDA

The Consent Agenda including minutes from regular and any special meetings, accounts payables check registers for the month, payroll checks and utility deposit refund checks for the month were presented. (Copies of the warrants were available for review).

Appointments

Airport Board - Mayor Cunningham submitted David Cobb to replace John Dickinson on the Airport Board. The appointment will expire April 2017.

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

OLD BUSINESS

Airport Apron Project

An invoice from Hucke Construction for \$131,943.50 for the Airport Apron Project was presented. The final project inspection was held on Tuesday, October 27th and Airport Development Group (ADG) recommends FAA accept the project as complete. Supt. Jurgensen concurs with the recommendation. ADG reports they have received all of the required paperwork from Hucke and has recommended Council approve this payment. The city will draw down the funds from the FAA to reimburse the Capital Improvement Fund as soon as the go ahead and drawdown paperwork is received from ADG. Newby made a motion and Rea seconded to approve payment to Hucke Construction in the amount of \$131,943.50. Motion carried.

Downtown Demolition Grant

Clerk Eddington reported that after the special council meeting on October 26th, Grant Administrator Galemore contacted the low bidder for engineering/architectural services (Patterson, Latimer, Jones, Brannon & Denham, Inc) to get them started on designing a set of specifications for the two downtown buildings. The firm said they should be able to complete the work in two to three weeks. Then the specs will have to go to the State Historical Society for approval before Galemore goes out for bids. Depending on how long this takes, it should be January or possibly February before the bid will be awarded.

2016 Employee Pay Raises

Supt. Jurgensen stated that he has lost another good employee and almost a second due to wages. Clerk Eddington reported that due to the job availability in the private sector and the caliber of the current city staff that the Department Heads wish to retain, the Mayor has asked that Council reconsider delaying the 2016 pay raises set for April and allow them to be implemented at the first of the year. The pay increases in the budget are for the entire year. After some discussion Rea made a motion and Tynan seconded to table the issue until Mayor Cunningham returns so he can provide his viewpoint. Motion carried with Strickland opposing.

Industrial Ground Farm Lease

Council discussed the fact that there is no written lease or written agreement between the city and Freddie White who farms the industrial ground the city owns. The city is currently receiving \$390 from White annually in June or July. Clerk Eddington reported that she had checked in to the matter and found that the minutes reflect that White has farmed this property since the city has owned it. Chief Elliott has spoken with White and reports that White said he farms a little over 17 acres for the city.

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

After consulting with the local ag lending officers, Clerk Eddington said the typical price per acre for this type of arrangement (called a Cash Lease), is \$60 - \$65 per acre or 3%-4% of the value of the land which is probably worth \$2,000 - \$2500 per acre. Eddington stated that if you figure on the low side, 17 acres at \$60/acre = \$1,020 and the city is receiving \$390.

After some discussion, Tynan made a motion and Strickland seconded to have the City Attorney send a letter to White stating that the city was terminating the oral agreement and offering him a 3 year written lease at \$60 per acre. If White is not interested then the project would be bid out. Motion carried. Attorney Tucker recommended making the agreement effective March 1st to allow White time to manage any crops in the field. Newby suggested having the Mayor speak to White in person as a courtesy before he receives the letter. Council agreed.

Downtown Building Assistance Program

Council reviewed suggestions that have been made to assist downtown property owners with upkeep of their buildings. The city has a Downtown Revitalization Program that was established as part of the Neighborhood Revitalization Plan with a balance of \$1,607.55 and the Mayor wanted to look into using these funds to assist downtown owners. Newby made a motion and Rea seconded to table the subject until next month when the Mayor could be in attendance. Motion carried.

Housing Rehab Grant - Extension

Clerk Eddington reported that since the last two houses to be included in the Housing Rehab Grant were just awarded to the contractors and the grant deadline is November 30th, Administrator Galemore thought it prudent to request a three month extension on the grant. The contractors are finishing up other projects before they can begin here. Clerk Eddington said the Council needs to approve the request before sending it in to CDBG. Rea made a motion and Tynan seconded to approve the request for a three month extension. Motion carried.

NEW BUSINESS

Budget Amendment – Set Public Hearing

A public hearing notice to amend the 2016 Budget was presented for approval. Clerk Eddington reported that based on where the fund balances are now along with projected expenses for the last few months, the following funds need to be amended; Water - \$35,000, Sewer - \$55,000, Refuse - \$20,000.

A budget amendment is necessary when expenses exceed the amount set during the budget process in the previous year. Clerk Eddington stated that the amendment was expected since extra transfers were made out of Water, Sewer & Refuse early in the year for the refuse truck. Without knowing how the other expenses were going to come in during the year, there was no way to be certain as to the exact amount. Eddington said the expenses in Water and Refuse have not been running as high as projected so the transfers in those funds are less than what the refuse truck transfer was for. In Sewer, however, there are several expense line items that are greater than anticipated - insurance, professional services (sewer rate review), electric, and lift station

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

repairs, therefore the budget amendment amount is higher than the amount for the refuse truck transfer.

The budget amendment is a legal process that requires a public hearing. Rea made a motion and Tynan seconded to set the public hearing for the Dec. 14th Council Meeting at 6:30 p.m. Motion carried.

Water Tower Space Lease Agreement

Clerk Eddington reported that the city has a lease agreement with Wave Wireless which automatically renews each year in December. Currently, the city receives \$75 a month per tower for the tower space from Wave Wireless and \$200 a month (for one tower) from Rural I-Net. In checking with surrounding cities as to what they charge for tower space, there was no norm. Clerk Eddington asked Council if they wish to re-negotiate with Wave Wireless as the agreement has been in effect for many years with no change to the rate.

After some discussion Council agreed that they would like to discuss the agreement with Wave Wireless. Attorney Tucker said he would not feel comfortable negotiating a contract since he also represents them but would send them a letter to let them know the wishes of the Council. Owens appointed Mayor Cunningham, Strickland and himself to meet with Wave Wireless to negotiate a new contract.

Nuisance Abatement Resolution – 643 Iowa St.

A resolution giving notice of a violation of the Code of the City of Oswego Section 8-105 at 643 Iowa was presented for approval. Supt. Jurgensen reported that he wrote up the property for an old mattress, recliner, lattice lumber, brush, weeds and misc. trash scattered throughout the yard. The courtesy letter was sent on October 1st. None of the items had been removed therefore a violation letter was served to the owner on October 19th. Supt. Jurgensen reported that to date, little had been done to abate the condition. The Resolution states he has another 10 days to clean up the property or the city will abate the conditions and charge the owner for doing so. Any unpaid charges will be assessed to the property taxes.

Members of the public expressed their concern that the individual was burning some of the items in the alley which is also against city code. Asst. Chief Conrad said he would talk to them about burning trash in town. Rea made a motion and Tynan seconded to approve the Resolution. Motion carried. Clerk assigned the Resolution #11-9-15A.

City Van

At the previous Council meeting Clerk Eddington reported that the van is no longer a reliable vehicle to take out of town to trainings. Individuals have experienced a variety of problems; window wipers coming on voluntarily and won't shut off (while driving down the highway), lights not working properly and the alarm keeps going off all by itself – lights and horn blaring in downtown Topeka and in the city's parking lot. Staff is asking Council to make a determination as to whether they want to fix it again, replace it or pay mileage for training when people take their own vehicle?

Clerk Eddington stated that the mileage reimbursement rate we use is set by the IRS each year. Right now, it is .575/mile. The estimated normal yearly mileage for all trainings and meetings is approximately 3,420 miles. At the current mileage rate, that comes to \$1,966.50. Expenses this year are \$459.66 on repairs, \$200.18 on gas and \$200 on insurance for a total of \$860. This does not count the part that it needs now or tires, etc. Approximately another \$1,133 was spent in 2013-2014 for maintenance issues.

Clerk Eddington said the city has \$6,600 set aside in Municipal Equipment for an administrative vehicle replacement. After some discussion Rea made a motion and Vance seconded to sell the van on Purple Wave or however it would be most advantageous, not replace the vehicle and pay mileage. Motion carried. Clerk Eddington said staff would update the personnel policy to reflect the change.

Questions on Section 9

Owens – said the water loss report shows a 0% water loss. Supt. Jurgensen said that was correct and that he had done a lot of research to figure out where the water loss problems were. He was able to interpret the meter readings and believes some of the previous water loss reported was not actual water loss. After analyzing the system they had not accounted for the water used in production. This had been counted towards loss rather than production. There was water being re-metered back in to the system on the production side that was showing up as loss, such as the unmetered water used for the Chlorine Analyzer.

Strickland – asked about the minutes of the Airport Meeting. It discussed FAA funding of future projects, lights, beacons and electric for runway lights. Clerk Eddington said those are some of projects included in the Master Plan that is part of long range planning. There are not any plans to replace these right now but the beacon and lights must be maintained for safety issues. It was discussed that the city may be able to get a KDOT grant to redo the electric but the city is no longer eligible for FAA entitlement funds since they do not meet all 3 of the criteria required for the FAA NPIAS Program.

Newby – said the airport fuel reports show that we lost 23 gallons. Supt. Jurgensen said that there are some discrepancies because the fuel was not inventoried in the beginning and it is read in feet rather than gallons. He said it appears the city is losing money on the small purchases because of credit card fees but makes money on the larger purchases. He is trying to get those making small purchases to use a different type of card that should help the bottom line.

INDIVIDUAL REPORTS

Jurgensen– said he attended a Cottonwood/Neosho River Basin Assurance District meeting. They are talking about raising the Neosho River water level by letting water out of the John Redmond Reservoir. They are waiting on the environmental impact study before they make a decision.

Strickland – appreciated the Golf Course bond information that was included in the packet. Said he would like to discuss the city assisting the Golf Course more by providing help with water leaks and repairing irrigation lines, etc. Strickland felt that would help them save money and could therefore reduce the monthly management fee. Clerk Eddington said the management fee was mostly for payroll expenses, not repair work and although the Golf Course is owned by the city it was in name only. The agreement with them was for their revenues to cover their expenses. Supt. Jurgensen said they do help them out at times but depending on the work load and staff, they may not be able to frequently. Council consensus was to have a copy of the agreement for them to review at next month's meeting.

Owens - thanked Council for letting the Knights of Columbus do the Boot Block. They raised \$1600 for the Special Olympics and local schools.

Eddington – said Rodney Kelly will need a Conditional Use Permit before he opens a business where the museum was as it has a conditional use for a museum. Council consensus was that he should go through the normal process to get a CUP. There was no intention that a CUP would be included in the property transfer.

- Said someone would like to use the Larry Allen Pavilion for a wedding. They have rented the entire building (with fees of \$650 or more). She checked with the Fair Board and they didn't have anything booked for that weekend. She also checked with Chief Elliott and he said there couldn't be any music after 11:30 p.m. Council agreed to let them use the pavilion at no extra charge. After further discussion Council decided that they should set a policy for future use. Clerk Eddington said she would put it on the agenda for next month.

- said the city's final assessed values from the County came in higher than anticipated which lowers the mil levy for the 2015 taxes from 74.62 to 73.656.

- when the Streambank Project was completed there were some unexpended grant funds. Eddington checked with Rural Development about an invoice for an intake pump replaced earlier this year for \$10,488, to see if that expense would qualify as part of the project and therefore be reimbursable with grant funds. Rural Development determined that the flooding that caused the streambank erosion may have contributed to the pump needing replaced so they approved using grant funds for the expense.

- said she was proud of the city employees who participated in this year's Trunk or Treat event. They won first place (second year in a row). She said plans are already in the works for participation in the Christmas parade.

PUBLIC DISCUSSION

Councilmember Owens asked if there were any comments from the public.

Heather Brown – thanked the police department for their service.

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

Paula Kern – asked if she can go ahead and order the body armor that she and Dr. Kern are donating to the Police Department. They have two officers fitted and are getting the final fitting done. Council gave her the go ahead.

ADJOURNMENT

There being no further business Rea made a motion and Tynan seconded to adjourn the meeting at 7:54 p.m. Motion carried.

Council President Bill Owens

Attest:

Deputy City Clerk Renee Cochran