

Regular Council Meeting
December 14, 2015 6:30 p.m.
City of Oswego, KS 67356

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

Also present: City Clerk Carol Eddington, Supt. Calvin Jurgensen, City Attorney Rick Tucker, Deputy Clerk Renee Cochran, Heather Brown, Larry Richardson, Carole McKinley, Paula Kern, Pat Hendrickson, Glenn Fischer, Terry Karlin, Dee and Chris Brown, Frieda Whitecotton, Bill Trotnic, Steve McBrien, Jill Blankinship, Faye Watts, Brad Watts, June Newbanks, Shelby, Kaye and Tonya Horn, Greg Young, and John Strickland.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

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

PETITIONS AND DELEGATIONS

Proclamation – Ted Watts

Mayor Cunningham read a proclamation honoring Ted Watts. The proclamation noted his many accomplishments and distinguished him as Oswego's "most famous citizen". The framed proclamation was then presented to the Watts family.

SERVICE AWARD PRESENTATIONS

Mayor Cunningham recognized Janet Johnston for 20 years and Greg Young for 10 years of service with the city. Janet Johnston has worked as a Clerk, Court Clerk and is still working as the Police Secretary. Greg Young has served on the Volunteer Fire Department for his 10 years of service. The Mayor thanked these individuals for their years of dedicated service.

Mayor Cunningham called for a 5 minute break for Council and the audience to congratulate the service award recipients and greet members of the Ted Watts family. Refreshments were served. The meeting resumed at 6:44 p.m.

PUBLIC HEARINGS

2015 Budget Amendment

Mayor Cunningham opened the public hearing and asked if there was anyone present to discuss the proposed Budget Amendment. There were no comments received. The Mayor determined to leave the hearing open until later in the meeting.

Condemnations – 638 Merchant, 710 Illinois, 710 Michigan and 1206 1st St.

Mayor Cunningham opened the public hearings for condemnation proceedings on 638 Merchant, 710 Illinois, 710 Michigan and 1206 1st St and asked if there was anyone in attendance to discuss the properties. Supt. Jurgensen reported that there had not been any work done to any of the properties. Clerk Eddington said she had been contacted by Dustin Wimp, owner of 638 Merchant, who has offered to sign the property over to the city with a quit claim deed. She said Wimp had asked what the cost would be to get that done. Attorney Tucker spoke up and said that it would cost about \$100 to get the deed ready. Clerk Eddington said a title search has already been done on all four properties as part of the condemnation process. Council asked

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whether there were any back taxes due. Eddington said that on 638 Merchant the total tax amount due is \$216 (2015 and 2014 taxes). Council expressed that they didn't want to pay taxes on any property. There was additional discussion about which properties were going to tax sale and whether it would be better to wait on the condemnations until after that to see if any of the properties are purchased. Mayor Cunningham recommended continuing with the condemnation process as there is no guarantee when the tax sale will be - it could be years.

Frieda Whitecotton, owner of 710 Michigan, was in attendance and was given an opportunity to speak. She said that she had planned to tear it down anyway but due to some unforeseen circumstances she did not have the funds or time to do so. She asked when she would need to have her belongings removed. Clerk Eddington said the proposed resolution would give an additional 30 days for the property owners to do the work themselves. Then the city would go out for bids. Any personal belongings would need to be removed at that time. Whitecotton asked for an extension and felt that 60 days would be enough time. Council agreed to the extension and Whitecotton provided Clerk Eddington with an updated address.

There being no further discussion Mayor Cunningham closed the condemnation hearings at 7:00 p.m. Bill Owens made a motion and Rea seconded to proceed with the condemnations on all four properties with an additional 30 day extension on 710 Michigan. Motion carried. Clerk assigned the Condemnation Resolutions 12-14-15A (638 Merchant), 12-14-15B (710 Ill), 12-14-15C (710 Michigan) and 12-14-15D (1206 1st).

2015 Budget Amendment

Mayor Cunningham again asked if there was anyone present to discuss the proposed Budget Amendment. There were no comments. Mayor Cunningham closed the hearing at 7:02 p.m. The proposed amendment includes the Water Fund being amended by \$35,000, the Sewer Fund by \$55,000 and Refuse Fund by \$20,000 to allow for expenses that came in greater than anticipated when the 2015 budget was set last year. Rea made a motion and Tynan seconded to approve the budget amendment. Motion carried.

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 OCTOBER 28, 2015 was presented for approval. The ordinance covers unpaid mowing charges through October 28th. Rea made a motion and Tynan seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance #1355.

Ordinance – Work Site Utility Vehicle (STO Amendment)

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF OSWEGO, KANSAS TO ESTABLISH REGULATIONS FOR THE LAWFUL OPERATION OF WORK-SITE UTILITY VEHICLE, ALSO KNOWN AS UTILITY TASK VEHICLE OR UTILITY TERRAIN VEHICLE, ON CITY STREETS, AMENDING THE CODE OF THE CITY OF OSWEGO,

CHAPTER XIV, ARTICLE 2 was presented for approval. The annual Standard Traffic Ordinance prepared by the League of KS Municipalities was approved last month with the section relating to work-utility vehicles removed. Chief Elliott prepared this ordinance to take the place of that section. Newby made a motion and Tynan seconded to approve the Ordinance. Motion carried. Clerk assigned the Ordinance #1356.

Offer to Purchase Stone Hill Property

An offer from Jan Owens to purchase the Stone Hill property for \$100,000 was presented. The property is listed for sale for \$165,000 with Chesnutt, Mossy Oak, Wood Dulohery and Finley Maloney. Councilmember Bill Owens asked to address the Council before entertaining the offer. Owens stated that he stands by his opinion that developing the Stone Hill Property would bankrupt the city. He said that he wanted to either rescind the offer on behalf of Jan Owens, or, if the Council wished to accept the offer, he would resign from the Council. He then left the building.

Council discussed the offer and all agreed that the amount was too low. Strickland said he had talked to some ranchers and they estimated the land was worth around \$2,900 - 3,200 per acre. It was mentioned those figures did not take in to consideration the very nice horse barn on the property. Additional discussion included that the goal was to recoup the funds that the city had invested. There is a balance of \$143,853 that the city has in the property after applying the amount the Grainger property sold for. Councilmembers said they valued Owens as a board member. The Mayor then offered the public an opportunity to voice their opinion.

Former Mayor Fischer stated that he believed the community wanted housing to be a priority. During the past several years the city hosted Strategic Planning sessions. Community leaders were asked to attend and participate. Fischer said developing housing was one of core objectives that came out of each of those sessions. Bill Trotnic said he thought the price offered for the property was too low and suggested making a counter offer. Mr. Karlin said he did not recommend taking a loss on the property and was concerned about having a council member purchasing the property at a discounted price.

Rea made a motion and Vance seconded to reject the offer. Motion carried. Owens did not return to the meeting at that time.

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

Public Building Commission - Mayor Cunningham submitted Cheryl Lewis and Jay Trower for reappointment to the Public Building Commission. Their terms will expire January 2019.

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Tree Board – Mayor Cunningham submitted Linda Schreppel for reappointment to the Tree Board. The term will expire January 2019.

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

Bill Owens entered the meeting at 7:33 p.m.

OLD BUSINESS

2016 Employee Pay Raises

Mayor Cunningham asked the Council to reconsider delaying the 2016 pay raises set for April and allow them to be implemented at the first of the year. The 2016 budget reflects the pay increases effective all year. Staff has reported the loss of another good employee and would like to retain the caliber of the current city staff. This has proven difficult, especially with the job availability in the private sector and the fact that many employees have gone without a merit increase for almost two years, depending on their anniversary date.

Clerk Eddington reported that due to the amount of turnover the city has had since the 2015 budget was created, approximately \$105,000 has been saved in salaries and benefits this year. This is unusual and due to the loss of higher paid employees, being shorthanded for months while trying to find replacements and the efforts made by the department heads to keep overtime hours down. The estimated total increase to salaries and benefits for Jan 1st to April 1st is a max of \$6,807.45. Strickland made a motion and Tynan seconded to make the 2016 raises effective January 3rd. Mayor Cunningham called for a vote with Strickland, Tynan and Vance voting yea and Rea, Owens and Newby opposing. Mayor Cunningham broke the tie with a yea vote. Motion carried.

Industrial Ground Farm Lease

Mayor Cunningham reported that he had met with Freddie White to see if he is interested in continuing to farm the 17 acres the city owns in the Industrial Park, if the rate is increased to \$60 per acre. Last month, Council determined to increase the amount the city receives for farming this ground. White said the ground is not that good and there are probably 5 acres out of the 17 that are not farmable. He also said that he would be willing to pay the city \$500 per year instead of the \$390 he has been paying. (\$500 for 12 acres = \$41.67 per acre)

Clerk Eddington checked again with the local ag lenders about the going rate for ground that is “not that good”. They both said around \$50 per acre is the norm for this area (one even said that if it is really bad, it could be as low as \$45 an acre). Council discussed that the other option would be to go out for bids. Newby made a motion and Strickland seconded to accept White’s offer of \$500 per year. Motion carried. Mayor Cunningham will contact Mr. White to let him know. Attorney Tucker will draw up an agreement.

Hay Bids

Hay bids were due Dec. 1, 2015. Rocky Becker was the only bidder. The annual bid price per acre: Oswego Municipal Airport - \$318 (39.75 acres x \$8/acre); Oswego Industrial Park - \$100.48 (12.56 acres x \$8/acre) and Stone Hill Estates – \$481.00 (37 acres x \$13/acre). Three year lease agreements, January 2016 to December 2018, on the three Oswego properties were presented. Tynan made a motion and Rea seconded to award the bid to Rocky Becker for a three year lease. Motion carried with Owens opposing.

Water Tower Space Lease Agreement

Last month, Council decided to have a committee of Mayor Cunningham, Councilmembers Owens and Strickland meet with Galen Manners of Wave Wireless to discuss increasing the water tower lease fee. The current lease agreement with Wave Wireless automatically renews each year in December. 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. Currently, Wave Wireless provides free internet to the public works barn, Kamp Siesta, the Community Building and the Golf Course. City Hall, the Police Department, Fire Department and Water Plant are all served by Century Link. The Swimming Pool and Airport are to be served by Rural I-Net.

Owens reported that Manners is willing to work with the city in offering upgrades to current internet service and other services such as a security camera system for the Park and perhaps the airport. After further discussion, it was determined to have Councilmember Vance speak with Manners in regards to the speed of what he is offering as well as suggesting Supt. Jurgensen talk to Manners to see what might work at the city's various locations. Chief Elliott said that they have had problems at the park with the cameras losing signals. The topic was tabled until next month.

Airport Apron Project

Clerk Eddington reported that she had received a change order from Airport Development Group (ADG) for an adjusted amount to pay Hucke Construction. Eddington contacted the FAA and found that contracts are based on actual construction quantities. The quantities that Hucke turned into ADG added up to more than anticipated when he bid the job and subsequently, more than what he invoiced the city. This change is not going to affect the bottom line as far as what the city had already approved for this project as a couple of the other line items in the project budget were decreased. Council reviewed the change order and also the updated budget that ADG provided for the project showing the total costs have not increased. The additional amount to pay Hucke is \$889.34. Staff recommends approving this payment to Hucke. Rea made a motion and Newby seconded to approve the change order and extra payment to Hucke. Motion carried with Tynan opposing.

Housing Grant

A change order for 602 Wisconsin in the amount of \$708 was presented from S&A Construction. A break in the sewer line under the house and a couple of broken window sashes was discovered and needs to be repaired. Both issues are HUD qualified issues and need to be fixed. The original bid was for \$18,394 and \$20,000 is allowed by the grant for each house so there is room

to add in the work. The grant will pay for the work but Council approval is required. Owens made a motion and Vance seconded to approve the change order of \$708. Motion carried.

NEW BUSINESS

Nuisance Code Violation Resolution

A resolution allowing 10 days for property owners to abate the code violations at 645 Merchant was presented. Clerk Eddington reported that both a courtesy letter and a violation letter were sent to the owners informing them of the many code violations on their property and allowing for time frames to have the work done by. Supt. Jurgensen said that he has spoken to the owner numerous times. The Resolution allows for yet another 10 days and after that, if the health nuisance items are not taken care of, the city is authorized to abate the conditions. Owens made a motion and Rea seconded to approve the Resolution to allow the city to clean up the property at the owner's expense. Motion carried. Clerk assigned the Resolution # 12-14-15E

Larry Allen Pavilion

Council discussed the use of the Larry Allen Pavilion at the Fair Ground since there are a couple of people asking about renting it in conjunction with renting the Community Building and there is currently no policy. Since the city owns the property and the Fair Board owns the building Clerk Eddington consulted with the Fair Board. The Fair Board did not want to handle reservations for the building. They are also not asking for any rent or reimbursement for electric use at the building. They said they did not care whether the city collected rent for the building but for liability sake they did not want alcohol to be consumed there as is currently posted – that is, unless the city is willing to take on that liability. Clerk Eddington has already checked with the city's insurance agent and the city already has liability on this property as it is city property.

Eddington stated there has been a request to use the pavilion as the dance area for a wedding reception and alcohol will be served inside the Community Building. It would be unrealistic to think that the alcohol could be confined to inside the Community Building alone. It was suggested at a Mayor/Dept. Head meeting, to allow the use of alcohol at the pavilion except for during the fair and when there are youth sporting events in the adjacent area – either that or just allow alcohol during special events. An area of within 25' of the pavilion could be designated as the alcohol permitted area. Council agreed with the understanding that no alcohol could be *served* from anywhere except inside the Community Building.

After further discussion, Council consensus was to not charge for use of the pavilion if in connection with renting the Community Building, however, if not renting the Community Building yet want to use the pavilion, there should be a reservation fee to guarantee the availability of the pavilion. Strickland made a motion and Owens seconded to approve a policy for use of the pavilion as suggested – alcohol can be carried to the pavilion and surrounding area if served at Community Building in conjunction with event at pavilion, check for availability with the Fair Board first, alcohol cannot be served from the pavilion, music must be shut down by 11:30 p.m. and a reservation fee of \$25 will be charged when use of the pavilion is a stand alone use instead of in conjunction with the Community Building. Motion carried. Staff will develop a written policy reflecting these guidelines.

2016 Holidays Resolution

The proposed resolution setting the holidays for 2016 was presented. Since Christmas Eve and Christmas Day falls on the weekend in 2016, staff requested that Council approve the Friday before and Monday after as Christmas holidays. This request includes asking that Council allow Christmas Eve as a substitution for Presidents Day in February. At one time, the Council said they wanted this to be requested each year instead of making it an automatic change to the designated holidays. Tynan made a motion and Rea seconded to approve the Resolution as presented. Motion carried. Clerk assigned it Resolution # 12-14-15F.

Cereal Malt Beverage Licenses

Council reviewed Cereal Malt Beverage license applications from G.W. Foods, Casey's Retail and Western Plains (Jumpstart). Clerk Eddington reported that Mi Pueblo had also submitted an application. The applications have been looked over and approved by the Police Chief, Fire Chief and City Attorney. Owens made a motion and Tynan seconded to approve the applications, including the one from Mi Pueblo. Motion carried.

DOT Employee Drug/Alcohol Testing Company

Clerk Eddington reported that the city's CDL drivers are required by DOT to be in a pool and randomly selected for drug and alcohol testing on a quarterly basis. The Sheriff's Department has been performing the alcohol breath testing for the city but they will no longer be doing so due to security concerns. The city's current pool through Mt. Carmel Occupational Health does not do this testing on site either. The hospital at Columbus has someone certified to do the breathalyzer test, but Oswego Hospital does not. It would cost \$15 for the test at Columbus and require time away from work for the employee and the department head. Although this is not a significant amount there is another issue with the current pool. They no longer have a Substance Abuse Program to utilize in the event of a positive drug/alcohol test result.

Clerk Eddington checked with surrounding cities to see who they used for their DOT pool. Research showed that the company Parsons utilizes sounded like a good option. TMHC Services provides "on-site" testing so no travel would be required. The cost is around \$378 per year and is based on the number of employees enrolled in the pool. At this rate, it would be less than what the city has been paying per year. There is, however, a one-time set up fee of \$350. Parsons reports that they have utilized this company for years and have been happy with them. Owens made a motion and Strickland seconded to use TMHC Services for the city's DOT testing. Motion carried.

INDIVIDUAL REPORTS

Owens—said Bartlett Coop wants the city to pursue fiber optic internet. Councilmember Vance said they tried to work with them in the past and they kept changing their story. One of the previous objectives was to get better internet to the school and they are set up now.

Newby – asked what the options were for a second water source? He said the water district Wholesale #19 said they can supply all that the city needs. The alternate water pit that the city owns would not supply the city for long and it would be expensive to utilize.

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- said the Fair Board would like more electricity to the camping spots at Kamp Siesta. Supt. Jurgensen said that they can't do much more until Westar gets a transformer out there. Newby said he would see about getting Westar and the Fair Board together to talk about it.

Owens - said it appears there are a lot of stray dogs in town. Chief Elliott said there are and they have been working on it.

- asked if there is a policy that allows for a raise or promotion if an employee gets a B.A. or Associates Degree? Clerk Eddington said there is no automatic pay incentive. Employees can take classes tuition free at LCC. Owens suggested taking a look at that the next time the Personnel Policy is updated.

Tynan – stated he thought that in recognition of Trotnic Lumber being an Oswego business for so many years, the city should consider not charging Trotnic rent for the use of the Community Building this coming March when he wants to use it for his business anniversary celebration. He suggested donating the use of the building to him.

Eddington – still need the NIMS certification from Councilmember Strickland.

- said the annual Local Government Day at the Capitol is to be held January 27th. They will be providing information on things concerning the city. This used to be called City Hall Day but is now in conjunction with the Counties as well. Strickland said he might be interested in attending the morning session.

PUBLIC DISCUSSION

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

Mr. Karlin – said he hadn't noticed stray dogs but there are a lot of armadillos. Chief Elliott said he had caught 20 this fall.

ADJOURNMENT

There being no further business Vance made a motion and Owens seconded to adjourn the meeting at 8:46 p.m. Motion carried.

Mayor F. W. Cunningham, Jr.

Attest:

Deputy City Clerk Renee Cochran