

Regular Council Meeting
December 12, 2016 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers Darren Tynan, Kelly Vance, David Newby, Scott Grassl and John Davis with Mayor Bill Cunningham presiding.

Absent: Caleb Strickland

Also present: City Clerk Carol Eddington, City Attorney Rick Tucker, Chief George Elliott, Superintendent Calvin Jurgensen, Deputy Clerk Renee Cochran, Officer Toby Wertz, Elizabeth Gravett, Larry Richardson, Bill Cochran, Tyler and Holly Drieling, Glenn Fischer, Kent and Laura Kirk, Beverly, Elijah and Ethan Elliott, Jolene Born, Beth Spencer, Becky George, Edna and Dan Pichler.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

City Attorney Rick Tucker gave the opening prayer and led the Pledge of Allegiance.

SERVICE AWARDS

Mayor Cunningham recognized three employees for their years of service to the city; George Elliott for serving 30 years as Police Chief, Tyler Dreiling for 20 years on the Volunteer Fire Department, becoming Captain in February of this year and Renee Cochran for 10 years working as Assistant Clerk, Payroll Clerk and Deputy City Clerk. The employees were honored with a certificate of service and a service award gift.

RETIREMENT RECOGNITION

At the November Council meeting City Attorney Richard (Rick) Tucker announced that he would be retiring as of December 31st, 2016. Attorney Tucker was hired by the city to serve as additional counsel in 1995 and was appointed City Attorney in August, 1997. Mayor Cunningham presented him with a certificate of appreciation and the gift of a 24 hour clock. The council and members of the public expressed their appreciation for his expertise and many years of service.

Mayor Cunningham called for a short break so that the public could greet and congratulate Attorney Tucker and the Service Award recipients. The meeting resumed at 6:45 p.m.

CITY ATTORNEY

Ordinance – Mowing Assessments

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 26, 2016 was presented for approval. The ordinance covers unpaid mowing charges through September 26, 2016. Newby made a motion and Tynan seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance number 1376

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 for any additions or corrections to the Consent Agenda. As there were none, Tynan made a motion and Newby seconded to approve the Consent Agenda as presented. Motion carried.

OLD BUSINESS

325 Merchant Condemnation

Clerk Eddington reported that ACM Removal finished the asbestos removal process during the week of November 28th and SCS Contractors performed the inspection of the work. The Inspector found a few areas in the building that he had questions about. He met with ACM's project manager and ACM agreed to do follow-up tests on the specific areas. The test results came back negative so B-3 can now begin demolition. They are currently on another job and have estimated that they will start after the first of the year.

Downtown Demo Bond Issue

An ordinance and resolution prepared by Bond Counsel, Kevin Cowan, was presented for approval to allow for the sale of the Downtown Demo Bond. Bid paperwork on the bond issue was submitted to both Commercial and Labette Banks on December 7, 2016. The bid opening was December 12th at noon with Commercial Bank - \$31,825 and Labette Bank - \$32,132.47. Cowan recommended the Council approve Commercial Bank as the low bidder.

Clerk Eddington said that the full \$150,000 may not be needed. If there are any funds leftover after the demolition is completed the remaining amount can be used to pay down the debt. Tynan made a motion and Grassl seconded to accept Commercial Bank's bid and to authorize the Mayor and Clerk to execute the bid form. Motion carried.

Newby made a motion and Davis seconded to approve the Bond Ordinance. Motion carried. Clerk assigned the Ordinance #1377. Tynan made a motion and Newby seconded to pass the Bond Resolution. Motion carried. Clerk assigned the Resolution # 12-12-16A. Clerk Eddington said the bond closing would be December 27th.

Condemnation – 404 Wisconsin (Outbuilding)

Bid notifications were direct mailed to contractors and a bid notice was published in the newspaper with bids due at 1:00 p.m. on Dec. 12th. Two bids were received; B-3 \$1,600 and Wass Trucking \$1,800. Clerk Eddington stated that the demolition will only be for the building along the alley since the owners of the property were not open to the idea of having the other out-building torn down at the same time. They stated they wanted to keep the building and move it to a different location. Chief Elliott told them that they could not move it to another location here in town without a building permit and that in its present condition, it is condemnable.

Superintendent Jurgensen recommended accepting the low bid from B-3 since they have done work for the city before and always did a good job. Vance made a motion and Grassl seconded to approve the bid from B-3 for \$1,600. Motion carried.

Vermont Lift Station Generator Repairs/Upgrade

Last month Council asked that Supt. Jurgensen seek another quote for the repairs/upgrades necessary for the Vermont Lift Station. An estimate from Total Generator Service for \$4,571 was presented for Council approval. Supt. Jurgensen reported that he had consulted CDL Electric and was told they were unable to come up with a transfer switch for the generator. He also made calls to other companies to seek additional quotes but they did not return his calls. Supt. Jurgensen recommended approving the quote from Total Generator Service as they have been servicing the city's lift stations for years. Tynan made a motion and Davis seconded to approve the quote from Total Generator for \$4,571. Motion carried.

NEW BUSINESS

411 8th St Offer to Purchase

The city received an offer of \$500 from Larry Frogley to purchase 411 8th Street. The property was donated to the city by Labette Bank several years ago. Council discussed that there had been an inquiry about the property a few years ago, shortly after the city had spent \$2,000 to tear down the house on the property. The Council offered to sell it to the individual for \$3,000 in order to recoup the demolition expense however, the individual did not follow through with the purchase. There have not been any other inquiries since. Council asked Attorney Tucker whether they had to go out for bids and what the ramifications would be since Frogley's bid was now public. Tucker said he believed that if the value was less than \$2,500 - \$5,000 then the city did not have to go out for bids.

Council pointed out that Frogley was an adjacent property owner and it would be good to get the property back on the tax roll. Supt. Jurgensen said the city has been spending resources every year to mow the lot. He also said he thought it was too small for a house especially with the setbacks for a corner lot and believed in the past it had been part of an adjacent property. Newby made a motion and Tynan seconded to accept the offer from Frogley for \$500. Motion carried.

Cereal Malt Beverage Licenses

Council reviewed Cereal Malt Beverage license applications the city had received from G.W. Foods, Casey's Retail and Western Plains (Jumpstart). Clerk Eddington reported that the applications had been examined and approved by the Police Chief, Fire Chief and City Attorney. Tynan made a motion and Davis seconded to approve the CMB licenses. Motion carried.

2017 Holidays Resolution

The annual Holiday Resolution for 2017 was presented for approval. Each December, Council sets the holidays that will be observed by the city the following year. Clerk Eddington said that a few years ago the number of holidays for the city was reduced. Since then, staff has requested Council approval for substituting a day either before or after Christmas in place of Presidents Day as it allows them to better fit in time with their families for Christmas. Staff requested

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Friday, December 22, to replace President's Day. Tynan made a motion and Grassl seconded to approve the Resolution as presented. Motion carried.

Annual Office Supply Bids

The city received two bids for annual office supplies: McCarty's - \$8,914.22 and Midwest Office Supply - \$8,156.84. In comparing the bids, there is one item that was not included in the Midwest Office bid that was included in the McCarty's bid. Midwest said they could not get the black toner for some of the printers in the city office. For the number of toner cartridges that we expect to use in a year, McCarty's bid \$878.50. Since Midwest did not have an amount for that item in their bid, the \$878.50 was removed from McCarty's total to make a fair comparison. This brings McCarty's bid to \$8,035.72. Staff recommended accepting the bid from McCarty's. Grassl made a motion and Newby seconded to approve McCarty's bid. Motion carried.

2017 Merit Evaluation Timing

Last year Council determined to implement the merit pay raises with the first pay period of the year so everyone is afforded the opportunity for a raise at the same time. This was also due in part to the employees not receiving a pay raise the previous year. Clerk Eddington stated this was not made into a permanent policy at that time therefore Department Heads are seeking Council approval for applying merit raises again this year with the first pay period in 2017.

In the 2017 budget, Council approved up to a 4% merit increase for employees. Council discussed that they decided to keep the 4% increase in the budget because the tax lid may not allow for increases in the following years. Clerk Eddington said merit increases require evaluations that are based upon generalized standards of conduct and performance as well as specialized standards for their particular job description. Therefore a 4% increase is not guaranteed. Newby asked if the Council can be informed of the percentage of increase each employee receives. Clerk Eddington said she knew the evaluations were confidential but that the amount of pay employees receive is public information. Since the percentage rate is based on the evaluation she would have to check as to whether that is a matter of public record.

Clerk Eddington stated that there is no cost of living increase unless the individual is maxed out at their salary range. In this case, they receive a cost of living increase instead of the merit increase according to the current pay policy. The police chief is the only position that is maxed out. Grassl made a motion and Davis seconded to approve the up to 4% increase to be implemented at the first of the year. Motion carried.

Appointment of City Attorney

Mayor Cunningham submitted for Council approval, the appointment of Attorney Lucas Nodine to serve as the City Attorney. Mayor Cunningham said Attorney Nodine is local and his fees are \$175 hr. Council asked about his experience with municipal law. Attorney Tucker said he is a good attorney and runs his office well. He felt he would be a good choice and offered to consult with him on matters of municipal law if he had questions. Newby made a motion and Grassl seconded to appoint Lucas Nodine as City Attorney effective January 1, 2017. Motion carried.

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Stone Hill Estates – Realtor Agreement

The current realtor agreement with Wood-Dulohery expires December 29, 2016. The property has been listed with them since December of 2015. Currently the property is listed at \$132,500. Clerk Eddington asked Council if they wanted to extend the listing to June 29, 2017.

Council discussed several options; having an auction, breaking the property up and selling it in pieces, reducing the price to attract buyers. After much discussion Council consensus was not to relist the property with the realtor at this time.

At 7:46pm the Mayor asked for a short break. Meeting resumed at 7:53 p.m.

INDIVIDUAL REPORTS

Jurgensen – said the Golf Course would like to do an upgrade to their watering system since the construction of the new pond. They would like the city to help by providing the trenching and laying of the pipes. The Golf Course would purchase the pipes. Jurgensen said the Golf Course is not in compliance with the state. The upgrade would allow for longer pumping times which will satisfy the state requirements. Kent Kirk attended the meeting and said he had volunteers that will help. He also said he is planning a membership drive. Council consensus was to approve the city providing the trenching. Mayor Cunningham noted that Oswego is fortunate to have such good volunteers.

- said he checked into the cost for a 50' x 80' metal building with open trusses that could be used in place of the Fire Dept.'s garage that is in disrepair. The estimate of \$28,940 did not include concrete. The building could be located by the Public Works barn where it would allow for more options. Mayor Cunningham said he had spoken to Bill Wyckoff at Labette Bank and he indicated they wouldn't mind if their adjoining building was removed since they only use it for storage. No action was taken.

Davis – said he appreciated the new lights downtown and complimented all those that worked on the Christmas lights at the park. He said a citizen asked about handicap play equipment at the park and said it might be worth looking at. Mayor Cunningham said a wheelchair assessable picnic table would be nice also.

Grassl - said he agreed with Davis that the downtown and park look fantastic. Clerk Eddington said she was glad that Westar was willing to invest in Oswego.

Newby – said 70 – 80 attended the music/talent event at the new Community Church.

- asked about the Park Shelter on the West end of Riverside Park. Mayor Cunningham said the Parks & Community Foundation is trying to get a grant from Parsons. It will cost about \$30,000 for the project and Supt. Jurgensen plans to move the old shelter to Danny Elliott Park. The Parks & Community Foundation is a 501c so donations are tax deductible.

Vance – asked about replacing the Tomahawk Trail sign. Jurgensen said they don't have any more on hand. People keep taking them.

- asked Supt. Jurgensen about hand rails at the pool. He said he plans to install some down the middle of the steps in front of the bathhouse.

- asked if the Indian Muscle program at the school could be put in the newsletter to provide more awareness. It takes care of student needs similar to the Bright Futures program.

- said she would like to do a living Christmas Nativity Story presentation at the west end of the park next year. It would be a drive through event for two hours each night on a Friday, Saturday and Sunday. They would like to do a dry run at Easter with a smaller presentation for one evening. Council approved.

Tynan - asked what Rodney Kelly was doing with the old hospital property. Chief Elliott said he had it cleaned it out and was looking in to making apartments or a shooting range when he last spoke to him.

Mayor – asked if the Family Life Center/WIC Program had found somewhere to host their help sessions and distributions. Clerk Eddington said they had not gotten back in touch with the city.

Eddington – said Oswego Health & Rehab had asked about using the Community Building for 2-3 weeks to prepare meals for the residents while they are going through a remodel. After some discussion Tynan said he would talk to them and get more details.

- said she found out the city can call residents to complete the LMI surveys so staff is doing that.

- said BC/BS Dental Insurance Renewal for 2017 is a 3.4% increase to the employee only coverage and smaller percent of increase for the other coverage options which is less than the 5% budgeted. Clerk Eddington asked if they wanted her to go out for bids. Council agreed not to go out for bids.

PUBLIC COMMENT

Mayor Cunningham asked if there were any comments from the public on city business. Larry Richardson wanted Council to be aware of vine that is spreading around town.

ADJOURNMENT

There being no further business Vance made a motion and Newby seconded to adjourn the meeting at 8:30 p.m. Motion carried.

Attest:

Deputy City Clerk Renee Cochran

Mayor F. W. Cunningham, Jr.