

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

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

Absent: Scott Grassl

Also present: City Clerk Carol Eddington, City Supt. Calvin Jurgensen, Police Chief George Elliott, City Attorney Rick Tucker, Deputy Clerk Renee Cochran, Elizabeth Rucker, Steve McBrien, Ronneca Sanchez, Kelly Bliss, Josh Lyons, Jimmie Collins, Tim Williams, Matthew Collins, Larry Richardson and Paula Kern.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

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

PETITIONS AND DELEGATIONS

Poker Run/Toy Drive – Ronneca Sanchez & Kelly Bliss

Ronneca Sanchez discussed with Council her plans to put on a Poker Run and Toy Drive. She and Kelly Bliss are planning the event for Saturday, November 5th and would like to be able to have Commercial St. blocked off between Fourth & Sixth Streets for food vendors, a car show and a place for the motorcyclists to park. She plans on having four or five different bands playing during the late afternoon/evening inside The Crossing. She had originally contacted the city about using Riverside Park for the event but felt that having it downtown with the bands at The Crossing would work out better. Participants of the car show and bike run can walk back and forth to hear the different bands.

The cost to participate in the Poker Run will be a toy and \$10 which Sanchez said would go to pay for the bands. Passenger's entry fee will be a toy. The toys collected will be distributed between Labette, Cherokee and Crawford Counties. Sanchez said they are expecting between 100 – 300 bikers. The event is growing and she does not know yet how many entrants to expect, nor how many vendors. After some discussion it wasn't clear how many streets would need to be closed. Council consensus was to wait until next month to take any action on closing the streets. Chief Elliott asked that Sanchez and Bliss keep the City informed of their plans.

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 JULY 19, 2016 was presented for approval. The ordinance covers unpaid mowing charges through July 19, 2016. Tynan made a motion and Vance seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance number 1368.

Ordinance – Rezone Industrial Park North

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OSWEGO, KANSAS AND IN COMPLIANCE WITH SECTION 22 OF ORDINANCE NO.1107, PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL ESTATE FROM R1-B CONDITIONAL USE AND IP-2 CONDITIONAL USE TO IP-2 INDUSTRIAL was presented for approval. The ordinance is to correct the zoning of the property between Boss Tank and the old John Deere building that had been incorrectly zoned as Residential during the last zoning regulations revision.

The Planning and Zoning Commission held a public hearing on August 15th. A couple of the surrounding property owners attended the meeting to see if a new business was going to move onto the property. One was concerned with whether there would be additional noise as they said there is enough noise from Boss Tank now. They did not have any objections to the property being zoned Industrial again. After the public hearing, the Planning Commission determined to recommend to the Council that they correct the error and change the zoning back to IP-2 Medium Industrial. Newby made a motion and Tynan seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance number 1369.

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. Clerk Eddington requested an addition be made to appoint Jan Owens to serve on the Library Board to replace Angela Solomon, who has resigned. Owens term will end April 30, 2018. Vance said that the minutes of the Special Meeting on August 22, 2016 need to reflect that she was in attendance. Tynan made a motion and Davis seconded to approve the Consent Agenda with the addition and correction as requested. Motion carried.

OLD BUSINESS

Downtown Demo Bond Issue/old Independent Building

After touring the building with the owner, it is clear that she will not be making any repairs to the building or paying the back taxes. She wishes to sell the building as is, however the back taxes would have to be paid in order for her to sell the property. The building is set to be sold at the next tax sale.

Mayor Cunningham had asked Supt. Jurgensen to contact B-3 to get an estimate on what it would cost to demo the old Independent Building but they have not been in town yet. B-3 plans on tearing down the building at 325 Merchant around the week of September 12th. If there are no change orders during the demolition, approximately \$87,281.77 will be used (including estimated bond issue costs) out of the approved \$150,000 bond issue, leaving an available balance of \$62,718.23 to do the demo work on the Independent Building if the Council chose to

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do so. Council determined to table the issue until next Council meeting to allow time to get an estimate from B-3 and to see what the actual costs come in on the demo of 325 Merchant.

Fire Barn/Garage Repair Bids

Last month, Council decided to move forward with going out for bids for the repairs to the Fire Barn and Garage. Kyle Denham sent out the notices to contractors on a bid list and the notice was also put in the newspaper. Bids were due at 2:00 p.m. on Tuesday, September 6th. The city received one bid: Dalton-Killinger Constr. Co. - \$73,350/base bid and \$48,421/alternate (roof).

Council discussed that the bid came in much higher than anticipated. Engineer's estimate was \$36,250 (\$17,500 for roof repairs and \$18,750 for the beam work, wall and doors). Clerk Eddington reported that she had contacted the engineer and asked him to check into why there was such a difference. He said the job was too small for many contractors and too large for individuals. He suggested getting some names of other contractors in the area that might be interested but didn't see the notice in the paper, and then rebid the job. He also said that he would contact the contractor to discuss the bid. Clerk Eddington contacted LaForge & Budd in Parsons and they supplied a list of area general contractors. Vance made a motion and Davis seconded to reject the bid from Dalton-Killinger. Motion carried.

Council discussed options and determined to re-bid the project. Strickland looked at the list of contractors and said he would supply Clerk Eddington with a couple more names. Clerk Eddington said that staff would send out the notice of bid this week to the newspaper and the contractors, allowing time to receive the bids before the next regular Council meeting. Newby made a motion and Davis seconded to go out for bids again. Motion carried.

Attorney Tucker entered the meeting at 7:00 p.m.

Code Enforcement – Nuisances

404 Wisconsin – Council passed a resolution calling for the city to clean up the property if the nuisance violations were not abated within another 10 days. Since the owner of record for the property is deceased, the Resolution was sent to the known heirs and published in the newspaper for two consecutive weeks. The deadline to have the property cleaned up was September 10th. Supt. Jurgensen reported that although a little work had been done, the property was still in violation. Chief Elliott also reported that someone was living in the out building again even though it had been posted as no occupancy since it did not meet Minimum Housing Standards.

Tim Williams and one of the heirs, Matthew Collins, attended the meeting. Williams said that he had an agreement with Clayton Collins, a grandson of the deceased owner, that if he would clean up the property he could move into the house. As Mr. Williams is not an heir to the property, Chief Elliott explained to him that he needed to contain himself and allow a conversation between the Governing Body and Mr. Collins. Williams left the meeting. Collins said that he didn't have anything to do with the property as his brother, Jimmy Collins, had taken over the property after their mother passed away and would not allow him near it. He said he had been excluded from any decisions regarding the property and had never seen a will. He agreed the

property is a mess but felt he shouldn't be responsible for cleaning it up since he wasn't the one that created the mess. Attorney Tucker explained that legally both he and his brother had equal rights and responsibilities to the property. He advised Collins to seek out an attorney to get the title straightened out. Vance made a motion and Tynan seconded to proceed with the city cleaning-up the property and abating the violations. Motion carried.

618 Illinois – Council had also passed a resolution calling for the city to clean up this property if the nuisance violations were not abated within another 10 days. The deadline to have the violations abated was September 2nd. Council viewed photos that were taken earlier in the day and agreed that the property had been cleaned up except for one inoperable vehicle that remained. Supt. Jurgensen said the owners had loaded the vehicle onto a trailer and told him last Friday, that they were going to move it out of town but that did not happen and now there are some car parts in the yard. He asked what the protocol was since it was now on a trailer. Clerk Eddington said she had read the State Statute on impounded vehicles and asked if the city would have to follow those procedures? City Attorney Tucker said it was not necessary to follow all of those procedures and to check with him before doing anything else once we impound it. Tucker recommended Supt. Jurgensen remove the vehicle from the trailer, taking 2 or 3 witnesses with him when he does. Vance made a motion and Tynan seconded to proceed with moving the car and alleviating the violation. Motion carried.

224 Second – A courtesy letter was sent to the property owners for nuisance violations of junk in the yard. The deadline to comply with the nuisance abatement request was up today. Supt. Jurgensen reported that the violations remained. Council viewed photos of the property that were taken earlier in the day. Strickland made a motion and Davis seconded to issue a violation notice. Motion carried.

222 Illinois – A courtesy letter was also sent to this property owner for nuisance violations of junk in the yard. The deadline to comply with the nuisance abatement was also up today. Supt. Jurgensen reported that the violations remain. Council viewed photos that were taken earlier in the day showing the violations. Vance made a motion and Strickland seconded to issue a violation notice. Motion carried.

Vehicle Purchase – Water/Sewer/Public Works

Supt. Jurgensen reported that he found a vehicle through Vail's Automotive and felt it would fit the city's needs. It is a 2011 Ford F-150 XLT Extended Cab with 119,050 miles on it. The cost is \$14,100. Clerk Eddington reported that \$14,463 has already been set aside in Municipal Equipment for a vehicle purchase within the Water and Sewer line items. Council discussed the amount of miles on the vehicle and the advantages to purchasing a new one instead. Strickland said that he thought he could find a new vehicle through Diamond Coach at \$8,000 – 11,000 off the dealer price. Council asked how the purchase could be handled since a new vehicle would most likely be more than the \$14,463 that has been set aside. Clerk Eddington said that a repay for the difference would have to be set up. Council consensus was to wait until the Special Meeting to allow time to check into the possibility of a new vehicle purchase.

Special Meeting

The Planning and Zoning Commission will hold a public hearing on September 19th to hear public comment on the rezoning of the property between the public works barn and Fourth St. After the public hearing, they will make their recommendation for the Council. In the interest of moving the project along for A&A Seed, to whom the Council has determined to grant the property, Clerk Eddington asked Council if they wanted to set up a Special Meeting after the public hearing on the 19th. Before the property can be surveyed to obtain a legal description for the transfer of the property, Council will have to approve street and alley vacation orders and then get them filed at the Register of Deeds. After some discussion the meeting was set for Monday, Sept. 26th at 6:30 p.m. In addition to discussing the Planning and Zoning's recommendation and a vehicle purchase, it was suggested that the Council could also consider the offer for 408 Merchant as the auction would have been held the previous Saturday, Sept. 24th.

At 7:50 p.m. the Mayor called for a ten minute break. The meeting resumed at 8:00 p.m.

NEW BUSINESS

Oswegofest Donation Request

A request for a donation to Oswegofest was presented. Oswegofest will be held on October 1st in Riverside Park and will again be the same weekend as the Oswego High School Alumni Reunion. Clerk Eddington reported that the city has donated \$250 to Oswegofest for the past several years and to date, only \$200 has been spend out of the donation expense line item. Vance made a motion and Newby seconded to approve a \$250 donation to Oswegofest. Motion carried.

Community Building Charges – Weddings/Wedding Receptions

Clerk Eddington reported that the number of weddings being held in the Community Building has been on the decline. Based on conversations with people inquiring about it, the office staff feels that the price is too high for many people to afford; that, and the fact that there is no hotel in town. Although nothing can be done about a hotel, a proposal for revised rates was presented.

The current charge for the entire building for one day is \$700 and \$800 for 2 days. The proposal is to reduce the cost to \$500 for a 2 day rental for the entire building. It was also proposed to reduce the damage deposit from \$250 to \$200 but to just call it a deposit and have it include excessive cleaning. Clerk Eddington reported that the expense to the city that can really add up is the time it takes the janitors to clean up, which can vary greatly. There have been times that the bathrooms were completely trashed and the janitors had to not only clean the toilets, floors and sinks, but the walls and stall doors as well. They have also had to buff the floors after some weddings as the finish was actually scratched. Even though the proposal is to lower the deposit amount, instances such as this (and more) are why it is being recommended that the deposit include excessive cleaning. If the change is made, staff will make renters aware of the change.

Clerk Eddington said that they did not want to change any of the other policies or rates for the wedding package. After some discussion Council agreed that the price for building rental should be lowered but did not want to lower the deposit amount. Newby made a motion and Strickland

seconded to reduce the wedding/wedding reception rental rate to \$500 for two days for the entire community building, leave the deposit amount at \$250 and add that it also covers excessive clean-up required. Motion carried.

Code Enforcement Officer

Mayor Cunningham said he would like to look into finding someone to take over the Code Enforcement duties. He said that Supt. Jurgensen and Chief Elliott's plates are full. He would like to have someone that is diligent in their duties, someone that would write up anyone that was in violation whether they were another city employee, himself, any Councilmembers, etc. Mayor Cunningham thought another city employee might consider taking over those responsibilities if they were offered a dollar an hour raise. Council asked whether the person would have the training to know if a property should be condemned. Cunningham said that the person could consult with Chief Elliott and Supt. Jurgensen on condemnation cases but that he was mostly concerned with nuisances relating to junk and weed violations. Jurgensen said that the junk and weed nuisances are the most time consuming because you have to keep checking back on the properties. Council consensus was to allow Mayor Cunningham to go ahead and approach someone about taking on these duties. This appointment could also be discussed at the special meeting on the 26th.

League Voting Delegate

Mayor Cunningham and City Clerk Carol Eddington will be attending the annual LKM conference held in Overland Park on October 8-10, 2016. The City of Oswego is allowed one vote during the annual membership meeting held during the conference. The League requires that the voting delegate be officially designated by the Governing Body and turned in prior to the conference. Both a voting delegate and alternate can be named. Vance made a motion and Newby seconded to name Clerk Eddington as the delegate and Mayor Cunningham as the alternate. Motion carried.

Knights of Columbus – Boot Block Request

A request from the Knights of Columbus to hold a boot block on Saturday, October 8th from 8:00 a.m. to 12:00 p.m. was presented for approval. The fundraising effort will benefit local schools (80%) and Special Olympics (20%). Clerk Eddington said the Knights will bring in a new insurance certificate as the one they have now expires October 1st. Tynan made a motion and Davis seconded to approve the boot block request. Motion carried.

County Quote to Blade Fordyce Boulevard

Supt. Jurgensen asked for a quote from the County Highway Dept. on blading Fordyce Blvd since they already blade in the surrounding area. The quote is for \$17.45 each time they blade with the city supplying the rock. Supt. Jurgensen said the county would blade it every other week and felt it would be more cost effective than having the city fire up their equipment, keep the equipment fueled, maintained and pay for the manpower. Strickland made a motion and Newby seconded to approve the quote for the county to blade Fordyce Boulevard. Motion carried with Tynan abstaining.

ACH Banking & Credit Card Security Policy

An updated ACH Banking & Credit Card Security Policy was presented for Council approval. Clerk Eddington stated that the update was needed to be in compliance with the credit card company the city is using for airport fuel purchases. Items such as reporting suspicious activity or any evidence of tampering with the fuel pumps or credit card machine were included. Most of the items are already being done they just were not included in the written policy. Newby made a motion and Vance seconded to approve the updated security policy. Motion carried.

Kamp Siesta Camping Rates

Council had determined to take a look at the camping rates after the fair this year. Supt. Jurgensen monitored the electric usage during the fair. Based upon that and what the city is charged, per kwh (which includes other fees), the average cost for electricity per site comes to \$9.86/day. The current charge is \$10/day. After discussing the subject during the Mayor/Dept. Head meetings, staff is recommending the fees be increased to \$15/day which will assist with the other costs associated with the campground such as water usage. Council discussed the issue and reviewed rates from surrounding cities. Tynan made a motion and Strickland seconded to increase the daily rate from \$10 to \$15 to be effective October 1st. Motion carried. Clerk Eddington said the monthly rate is currently \$210 and recommended the monthly rate be increased to \$300 now that the daily rate has increased. Tynan made a motion and Strickland seconded to increase the monthly rate to \$300. Motion carried.

LMI Survey

Clerk Eddington stated that she plans to send out an LMI Survey to Oswego citizens this month. She reported that the last census had the City of Oswego at a low to moderate income rate of 41%. In order to qualify for almost all CDBG grants, the rate needs to be at least 51% LMI. She believes that many of the individuals who would fall into the category of low-to-moderate income did not respond to the census and the census does not conduct a comprehensive follow up. The State will allow the results of a locally executed survey to override the census if certain rules are followed in conducting the survey. The city's grant administrator, Susan Galemore, SEKRPC, has agreed to assist with these State requirements and will also tabulate the surveys to determine the LMI percentage.

The surveys, information as to why they are needed and an envelope addressed to the Southeast Kansas Regional Planning Commission office in Chanute will all be included with the city bills this month. Surveys can be turned into City Hall or mailed directly to SEKRPC if respondents are more comfortable with that. Galemore said the greater the number over the 51% the better the chances are of receiving grants, as it does carry more weight in their selection process. Therefore, we need to get as many responses as possible. She stated some cities offer to place individuals in a drawing for a cash prize or so much off of their utility bill as an incentive.

After allowing some time for the surveys to be returned, Eddington said the next step will be for staff to go door to door. SEKRPC will provide the city with a list of addresses they do not have a survey for. A lot of the visits will need to be done in the evening. The plan is for the office

staff to take turns – working around their busiest times of the month and taking time off in order to avoid overtime. Therefore, this part of the process will take a while complete.

INDIVIDUAL REPORTS

Strickland – asked what the Housing Committee is working on. Clerk Eddington said they are not working on anything right now since the Housing Grant is completed and the project at Stone Hill Estates has been discontinued. Strickland suggested they work on improved signage at the lots that are available for building. Eddington said that was just something that city staff takes care of.

Vance – asked about the Airport Beacon light. Supt. Jurgensen said that he has issued a NOTAM that the beacon isn't working. Clerk Eddington said the city has applied for an emergency funding grant through KDOT but have not received any response yet. She said she would check into the status of the grant.

Strickland – said the railroad crossing near Diamond Coach is so rough it is knocking vehicles out of alignment. Jurgensen said he has complained to the railroad about the rough crossings and told them about some of the timbers being in bad condition and exposed hardware and bolts. He said crossing Fourth Street by the Coop is especially bad. Chief Elliott said that he is keeping an activity log of every time they keep the road blocked for more than five minutes and has had to ask them to replace a damaged tire. Council asked Attorney Tucker if he would send a letter to the railroads about the issues with the crossings in town. Supt. Jurgensen is going to inspect the crossings, take pictures and send the information to Tucker.

Davis – asked when the franchise with Mediacom is up for renewal. He said there have been a lot of complaints about them from the community. Clerk Eddington said the agreement with them is not the typical franchise agreement. Due to new regulations there is no end date. Attorney Tucker concurred that there were changes in the law that regulate cable companies a few years back. Chief Elliott said that if you call them to add service the prompts will allow you to reach someone but if you are calling to terminate service you are unable to reach a real person. Attorney Tucker said to send him a list of grievances and he will send them a letter also.

Eddington – said that the \$525 refund the city received on the Airport fuel report had not been factored into the loss, therefore, the amount of loss was \$1,209 since 2013 instead of \$1,734.

- said both Farmer's Markets are closed for the season.

- said the Airport Board wanted to thank the Council for approving a new beacon light at the airport.

- reminded everyone that the auction for 408 Merchant is at 10 a.m. on Sept. 24th.

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- said there are still have funds in the budget for condemnation. Eddington recommended researching to see if there are any properties that need condemning before the end of the year. It will be on the agenda for the October meeting.

- said someone suggested the Council consider putting a sign at the city entrances saying "Home of Ted Watts".

- said the city had received some complaints about the three U-Haul trucks taking up parking space in the center of Fourth Street. After discussing it with him, the business owner agreed to move a couple of them to Commercial Street - North of Denton's, since there are no businesses in that area. He moved one. Unfortunately now, there are three trucks parked on Fourth St. again. The city has no ordinance that addresses this but may have to if the problem escalates. The worst day for the parking to be taken up is on Tuesday when it is the first day of the week that the Library and the café are open and the only day of the week that the eye doctor is open. The business owner also said that with this type of business he could have only one or possibly ten trucks.

ADJOURNMENT

Mayor Cunningham asked if there were any comments from the public. Paula Kern said that she was not happy when she couldn't find a parking place when she went to the library the other day due to the U-Haul trucks. She asked how long you can leave a vehicle parked downtown legally. Clerk Eddington said the city does not have any regulations regarding that unless it qualifies as an abandoned vehicle.

There being no further business Strickland made a motion and Davis seconded to adjourn the meeting at 8:55 p.m. Motion carried.

Mayor F. W. Cunningham, Jr.

Attest:

Deputy City Clerk Renee Cochran