

Regular Council Meeting
March 13, 2017 6:30 p.m.
City of Oswego, KS 67356

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

Also present: City Clerk Carol Eddington, City Superintendent Calvin Jurgensen, Police Chief George Elliott, City Attorney Lucas Nodine, Deputy Clerk Renee Cochran, Deputy Brandon Conrad, Elizabeth Gravett, Larry Richardson, Roger Vance and Kent Wagner.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Pastor Kent Wagner, Christian Church, gave the opening prayer and Mayor Cunningham led the Pledge of Allegiance.

PETITIONS, DELEGATIONS AND PUBLIC HEARINGS

Downtown Façade Program – Committee Recommendations

Clerk Eddington reported that the Committee met on March 1st to go over the nine applications that were submitted. After discussing each application, the Committee made a recommendation on each one. A spreadsheet showing details on the business, work to be done, cost, proposed award and additional comments from the Committee was presented to the Council for review.

The Council discussed a couple of exceptions to the initial plan that the Committee asked the Council to consider. The \$800 cost estimate by Coltrain's Deli did not include any labor. They plan on doing the work themselves to save on expenses. If contract labor costs had been included the cost would have been more than \$800 for the match. The Committee recommended awarding the full amount of their project cost. The other projects discussed were the two buildings owned by Letter Perfect. The cost estimate included some painting done to the back of the buildings. The back of the buildings aren't normally included but in this block the backs of the buildings are seen a great deal due to the traffic from the drive thru window at the bank (average of 500-600 a week). There is also traffic in that alley from the meat locker, the eye doctor and even City Hall. Therefore, the Committee recommended approving the applications as is and not requiring them to remove the cost of painting the backs of the buildings.

The approved plan calls for a maximum match of \$1,500 unless it is a corner building with work done on both facades and then the max is \$2,000. The monetary awards will not be made until the work is done and detailed receipts are submitted.

Clerk Eddington stated that the total available for this program is \$25,322 (the proceeds from the sale of the building at 408 Merchant). If all of the recommended awards are made, \$12,905 of that will be used, leaving a balance of \$12,417. Councilman Davis, who is also serving on the Committee along with Councilman Tynan, stated that the Committee is requesting approval from the Council to offer another round of assistance to business owners in the future – utilizing the remaining balance. Grassl made a motion and Tynan seconded to approve the award amounts as presented. Motion carried. Davis made a motion and Tynan seconded to approve another round of assistance utilizing the remaining balance. Motion carried.

CITY ATTORNEY

Ordinance – 404 Wisconsin – Condemnation

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 condemnation and demolition charges of 404 Wisconsin was presented for Council approval. The statement for these charges was sent out and the 30 day window to pay was up on Monday, the 13th. Attorney Nodine approved of the summary to be published. Tynan made a motion and Newby seconded to approve the Ordinance. Motion carried. Clerk assigned the Ordinance #1378.

Ordinance – 404 Wisconsin – Nuisance Abatement

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 the nuisance abatement at 404 Wisconsin in January 2017 was presented for Council approval. Clerk Eddington reported this was the city's cost for cleaning up the junk and trash in the yard after the building along the alley was removed. The deadline for them to pay the statement was also March 13th. Attorney Nodine has approved of the summary to be published. Tynan made a motion and Vance seconded to approve the Ordinance. Motion carried. Clerk assigned the Ordinance #1379.

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

Mayor Cunningham submitted the following for appointment:

Airport Board – Reappoint David Cobb, John Williams and Karen Garza, terms expiring April 2020.

Library Board – Reappoint Nancy Korinek and Paula Kern, terms expiring April 2021; appoint Susan Johnson to the Library Board, term expiring April 2021.

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

OLD BUSINESS

Condemnations

- **123 Union St. – Richard Thompson, owner**

Chief Elliott reported that he had recently checked into the work that was being done on the house. They have taken the ceiling down and cleaned up the plaster and plan to put the ceiling back up. Elliott said the deadline to get the work done is March 20th. They have a lot more work to be done so we will need to wait and see how much they get done.

- **2212 4th St. – Judy Collins Wilson & Jvette Collins, owners**

The owners have signed the form to allow the city to do the demolition work without proceeding with the legal condemnation process. The city is now waiting to go out for bids

until they know whether they will be doing Wimp's property at the same time in order to get a better price from the demo contractor. Councilman Strickland is working on finding a buyer for the property. To date, the city has \$381.03 in condemnation expenses.

- **2108 4th St., - Larry & Jan Wimp, owners**

Last month Council moved forward with the condemnation process by passing a resolution since the Wimps had determined they could not have the structure torn down themselves and the lien holder would not sign the consent form for the city to demolish the structure. The new deadline for having the structure demolished is March 23rd.

Councilman Strickland reported that he has found a buyer for this property. Clerk Eddington said the prospective buyer had called her asking if the city could pay for part of the closing cost on the property but as the city is not one of the parties involved, Attorney Nodine advised that the city could not do that. The individual also expressed to Clerk Eddington that they wanted the city to go out for bids on the demo as the city would get a better price. This could only be done if the owner of the property signs the consent form as part of the condemnation. The prospective buyer said they were fine with that. She asked Council if they wanted to go out for bids as soon as the March 23rd deadline had passed and approve them at the April meeting. Councilman Strickland said he had not had time to work out the final details yet and believed moving forward with the condemnation proceedings could cause the deal to fall through. He suggested waiting another 30 days to allow time to work out the details. Newby made a motion and Vance seconded to table the issue for another 30days. Motion carried.

Shipping Containers as Building Materials

Mr. Randy Kirkpatrick attended the February Planning Commission meeting to request the shipping container issue be revisited. Council was provided the minutes of that meeting for their review. Clerk Eddington also compiled a report that recaps the previous discussions and decisions the Council and the Planning Commission have made on this issue to date.

Clerk Eddington informed the Council that Kirkpatrick had planned to attend the Council meeting but he called earlier in the day to say he would not be attending after all and wondered about addressing them next month. Clerk Eddington stated that the P&Z is asking for a clarification of the Council's position on this building since they had said they would be open to the idea if someone wanted to use it as a residence and the structure that Mr. Kirkpatrick is proposing is a residential-type structure as it will have a bathroom and even a little kitchen area. They are questioning whether Council feels this qualifies as something they would consider allowing even though Kirkpatrick does not intend to live at this address. Eddington stated that the Planning Commission is willing to work with the zoning consultant to put together the necessary changes to the zoning regulations if the Council wishes to spend the money and staff time. This would open the door for all kinds of buildings built with shipping containers that are not going to be used as a residence.

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After some discussion Mayor Cunningham said that he did not see anything new to Kirkpatrick's request. Tynan agreed and said that they had already determined it is not a residence if he was not going to live in it and that is what the Council stipulated. Tynan made a motion and Grassl seconded that until someone wants to build a new home, designed by a qualified individual that follows approved standard building codes, then the issue will not be brought before the Council again. Motion carried.

Stone Hill Estates Property

Mayor Cunningham said that Councilmember Strickland has suggested putting up the property for public auction. The Council looked at what is currently owed against the property. The purchase price, bond and engineering costs total \$202,975. If the amount the old Grainger Property sold for (\$59,121.98) is applied, the remaining cost is \$143,853.02. The remaining acreage is around 37 and includes a horse barn.

Clerk Eddington reported that the city currently owes \$152,000 in principal on the bonds. The city must give a 45 day notice of redemption of bonds and there will be some interest to pay on top of the outstanding principal amount. The last time she checked the interest amount was \$2,071.04. If it is still close to that figure, the amount the city would need to pay off the bond is \$154,071.04. If the proceeds from the sale of the Grainger property were applied, that would take it down to around \$94,949.06 depending on the actual interest amount.

Council agreed that they want Chesnutt to do the auction and discussed whether to have a reserve bid amount. Councilmember Davis said another option was to request that the seller reserves (approves) the final bid. That way a reserve bid amount doesn't have to be set and the Council would still be able to approve or reject the highest bid. Council set the date for the auction as April 22nd or April 29th if the 22nd isn't available, with bid approval at the May 8th Council meeting. Newby made a motion and Vance seconded to approve putting the property up for auction on April 22nd or 29th, using Chesnutt, with a "Buyer's Premium" and "Seller Reserves Final Bid." Motion carried with Davis abstaining.

At 7:27 p.m. the Mayor called for a 10 minute break. The meeting resumed at 7:37 p.m.

NEW BUSINESS

Conditional Use Permit – Carl Solomon – 411 Michigan St

Clerk Eddington reported that Carl Solomon applied for a conditional use permit that would allow him to rent out the front part of his house at 411 Michigan while he lives in the rest of it. The property is zoned Single-Family Residential and this would be a multi-family use. The Planning Commission held a public hearing on the request and there was no opposition. They recommended Council approve the conditional use application. They did not recommend any conditions. The designation would stay with the property, not the property owner.

Council consensus was to approve the permit for Solomon but thought that it gave the appearance of spot zoning. After some discussion Tynan made a motion and Vance

seconded to approve the Conditional Use Permit for Solomon but with the condition that it was approved for this property owner only. Motion carried.

Project Prom Boot Block Request

A Book Block request was submitted by Project Prom. The fund raiser is to be held April 15, 2017 from 8:00 a.m. to noon. Each individual participating in the event has to provide the required proof of insurance (most of which has already been received). Tynan made a motion and Strickland seconded to approve the Boot Block request. Motion carried.

Property & Liability Insurance Renewals

A renewal quote of \$71,905 from EMC was presented for Council approval. At renewal time each year, the city's insurance agent, Al Eshelbrenner, Ryan Insurance, seeks quotes from several different insurance markets to provide the best price. EMC has come in with the best quote for many years now and have been good to work with any time there has been a claim.

EMC is a long standing municipal insurance program that is used by over 500 cities in Kansas. Eshelbrenner reported a couple of other markets came close to EMC's premium but they do not distribute dividends. The city has received over \$9,000 in dividends for the past two years (usually they are around \$5,000) from EMC. This year, the renewal premium, in the amount of \$71,905 is about 2.5% higher than last year - due in part to the city replacing some old vehicles with newer ones, an increase to vehicle rates set by the industry and building values for replacement cost considerations.

A renewal quote of \$2,385 for the airport from Ace Ins (Chubb) was presented. Clerk Eddington stated that not as many companies offer the specialized airport liability insurance, including EMC, so it is a separate policy.

Tynan made a motion and Newby seconded to approve the EMC renewal quote. Motion carried.

Commodity Bid Awards

Council reviewed the results for the annual bids on rock, dumpsters, culverts and water treatment chemicals that were handed out at the meeting. This year, polycarts were added to the bids. The bids were due on March 13th at 10:00 a.m. The bid prices are good from April 1, 2017 through March 31, 2018. Supt. Jurgensen recommended Council approve the following; Brenntag - Water Treatment Chemicals, Hucke Const. - Rock & Rock Hauling, Downing - Dumpsters and Polycarts, Cleaver Farm & Home - Culverts.

Tynan made a motion and Grassl seconded to approve Supt. Jurgensen's recommendations. Motion carried with Strickland abstaining.

Parks Department Mower

John Deere provided a quote for a new mower in the amount of \$5,985 (with a trade in). Supt. Jurgensen said the trade-in mower has 1300 hours on it which is 200 more hours than he planned to have on the machine at trade in. The mowing season last year began earlier and ended later than most years. His plan is to trade in a mower every third year instead of every other year. The city has two mowers - a 72" cut mower (purchased last year) and a 60" cut mower. Jurgensen plans to trade in the 60" mower. Next year, there will be no trade in/purchase. Davis made a motion and Grassl seconded to approve the purchase of the mower. Motion carried with Strickland opposing.

Clerk Eddington said that each year \$3,500 has been transferred into the Municipal Equipment Fund for mowers but at \$6,000 (or more) spent each time a purchase is made, this amount will need to be increased to \$4,000 at budget time this year.

Sale of Red Ford Pickup

Supt. Jurgensen asked Council for permission to sell the 1990 Ford pickup. The transmission is going out. Council discussed that they had success with Purple Wave and thought that was the best way to go. Tynan made a motion and Grassl seconded to approve selling the Ford pickup on Purple Wave. Motion carried.

Community Swimming Pool Party

Clerk Eddington asked if the Council would like to do a free community pool party again this year. She reported that last year, the city celebrated the 81st anniversary of the swimming pool in June with a free swim from 7:00 p.m. to 11:00 p.m. It was the second year for this free swim and both years saw a great turnout with around 300 attending. Donations from many businesses were used as prizes and giveaways. The Chamber and Rec Commission paid for the DJ. The city's expense for lifeguards was \$237.50 (not counting FICA benefits) and \$277 was brought in from concessions. Supt. Jurgensen said the date would have to be different than last year as he has a prior commitment. It was the consensus of the Council to approve having another free swim and to set the date at a later time.

INDIVIDUAL REPORTS

Cunningham – asked if everyone had read the city election information provided in the packet and said he hoped all the Councilmembers that were up for re-election would serve again. Clerk Eddington said that Grassl, Newby and Vance were the Councilmembers up for re-election. The new filing deadline is June 1st and everyone must file at the County Clerk's office. The election will be on November 7th and those elected will take office on the second Monday in January.

Vance – mentioned an article the city received in the mail about how McCune is cleaning up their town. The article was sent from an anonymous citizen that wrote "we need this done in Oswego". Council discussed that they had been working on the issue and that maybe an editorial was needed to showcase the city's efforts of the past few years. Chief Elliott said it was very

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frustrating and difficult to get people to take care of their own property. Council discussed the two properties on Fourth Street and how they were trying to work out a good solution for both the city and property owners.

Strickland – said he would like to see more professional looking signs at the building lots that the city has for sale.

- said the lot where the hospital started the building project has become a nuisance. He asked about whether there was a time table to complete the new hospital. Council discussed that cuts by the new administration may make it more difficult to keep a hospital in a small town.

- asked if Stonehill Estates can be taxed as agricultural use since it is in the city limits. Newby said his property is now in the city limits and part of it is being taxed as agricultural use. Clerk Eddington said the property is currently zoned as Rural Suburban but the County determines how a property is taxed.

Davis – complimented the Chamber, Facade Committee and Council about the Business Facade Program. It will be nice for the 150th Birthday Celebration.

Executive Session

At 8:30 p.m. Grassl made a motion and Tynan seconded to go into Executive Session to discuss “personnel matters of non-elected personnel” for 15 minutes with the Council, City Attorney, Mayor and City Clerk. Motion carried. The meeting resumed at 8:45 p.m.

Elliot – said the alley next to Chesnutt’s needs to be closed. It is dangerous for people crossing the sidewalk there. He has talked to Steve Lewis and Chesnutt’s but still wants to talk to a few more business owners.

- said he plans to cut down a parking spot by the new beauty parlor. People are having a hard time seeing around the vehicles parked there. It was also noted that there is a problem seeing around the vehicles parked in front of Trotnic Lumber.

Vance – said she would like it on the record that the railings were getting installed inside the pool bath house. Supt. Jurgensen said they were going to be installed before opening day.

Eddington – let Council know that Big Brutus was having their annual meeting on March 25th at 6 pm at the Moose Lodge in Columbus. If anyone is interested they need to call for reservations.

- said the city auditors haven’t been doing the Library’s audit the past few years. Former Councilmember Bill Owens had been taking care of it. She said that the Auditors recommended a couple of ways the city can meet the statutory obligation: The Council can receive monthly financial reports and determine that is sufficient or have the City Treasurer or another Councilmember review the reports with a Library Board member and report back to the Council. Since the Council did not receive monthly the reports from the Library, the first suggestion is not

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an option for this year. Council consensus was to have Clerk Eddington ask the City Treasurer if she and a library board member would look things over and report back to the Council.

- discussed a fundraiser event for the Labette County Relay For Life being held on March 23rd at the Community Center. The meal is at 6:00 p.m. and Bingo at 6:30 p.m.

- said there is a free public event on March 28th sponsored by Labette County Emergency Management. The speaker is Frank Patterson who was the Emergency Management Coordinator and Incident Commander during the West Texas Fertilizer Plant Explosion in April 2013.

- said Virginia Simone's family would like to purchase a concrete bench in her honor for the park. Council agreed as long as it is the same color and style as the ones that are already out there. Supt. Jurgensen said that he has given the family the company and the model number for the ones that we have purchased in the past.

- said the demo work at 325 Merchant is done and there is bond money remaining. Clerk Eddington said a decision will need to be made on what to do with the remaining balance. According to Bond Counsel, Kevin Cowan, the balance can be used for the demo of another building but it would have to be a "downtown" building since that is what was specified on the bond ordinance. A resolution could be prepared to add another address to the bond issue (such as the old downtown Independent building) if Council so desires. Otherwise, the balance will need to be used to pay down the bond debt. Council asked how long they have before they need to make a decision. Eddington said Cowan asked her to contact him later this year.

- said the CPI that the city will be held to for the budget this year is 1.4%.

- asked if the Council wanted to renew the Property and Liability Insurance quote of \$2,385 for the Airport for the three years. The motion earlier in the agenda only included the EMC quote. Vance made a motion and Grassl seconded to approve the airport's insurance renewal quote of \$2,385 for three years. Motion carried with Tynan opposing.

ADJOURNMENT

Mayor Cunningham asked if there were any comments from the public on city business. As there were none and no further business, Vance made a motion and Newby seconded to adjourn the meeting at 9:21 p.m. Motion carried.

Mayor F.W. Cunningham, Jr.

Attest:

Deputy City Clerk Renee Cochran