

Regular Council Meeting  
April 10, 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, Elizabeth Gravett, Larry Richardson, Roger Vance, Carole McKinley, Pat Hendrickson, Clifford Davis, Coach Justin Hurley and Trevor Blankinship.

### **OPENING PRAYER AND PLEDGE OF ALLEGIANCE**

Councilmember Kelly Vance gave the opening prayer and City Clerk Carol Eddington led the Pledge of Allegiance.

### **PETITIONS AND DELEGATIONS**

#### **OHS Football Program – Use Swimming Pool**

Coach Justin Hurley attended the meeting to ask the Council about using the swimming pool again this year for conditioning practice. Clerk Eddington said she had spoken to Pool Manager, Heather Duke, who said the arrangement worked out nicely last year. She or the assistant manager were able to be on hand while they used the pool and took care of some written managerial duties that would have to be done anyway.

Coach Hurley said they wanted to do something similar again this year, using the pool one day a week in the mornings from June 14<sup>th</sup> through the first week of August. Tynan made a motion and Davis seconded to approve the football program using the pool for athlete conditioning. Motion carried.

### **CITY ATTORNEY**

#### **New Fees Imposed by County Sheriff's Dept. – Undersheriff Davis**

At Chief Elliott's request, the Council agreed to move the subject of new fees imposed by the Sheriff's Department up in the agenda so that Undersheriff Davis could address Council. A letter from Sheriff Eichinger outlining the proposed fees was included in the packet for review. The letter stated that beginning June 1<sup>st</sup>, 2017 the city would be charged \$25 per day to house any inmate in excess of seven days. There would be no charge for the first seven days.

Undersheriff Davis said the Sheriff's department has reconsidered the start date of the fees. If implemented, they will not begin until the first of next year. He said the fees were needed to help cover the cost of inmate medical bills. Inmate Health Care is projected to increase from \$63,000 to \$91,000 in the next year. Davis said the county is required to provide treatment and with so many inmates with health issues and addictions they need a way to offset the expense.

Chief Elliott said the city can only arrest for misdemeanors so most sentencing is less than a week. He stated they have some discretion on arrests and the max is usually thirty days. Clerk Eddington has been working on the 2018 budget so she will need to budget for the expense. Mayor Cunningham asked how the tax lid would affect budgeting for the expense. Elliott said there may be some exceptions in law enforcement and municipal court so he would look into it.

## **PROCLAMATIONS AND RECOGNITIONS**

### **Fair Housing Proclamation**

A proclamation issuing April as Fair Housing month was presented. The Kansas Department of Commerce and Housing suggests that municipalities bring Fair Housing to the fore front of everyone's mind at least once a year. This has been done annually with Mayoral Proclamations. April is Fair Housing Month as observed by the U.S. Department of Housing and Urban Development.

### **Volunteer Week Proclamation**

A proclamation setting aside April 23-29, 2017 as National Volunteer week was presented. Clerk Eddington stated that small cities survive and thrive in large part because of their volunteers. The proclamation included a list of all city appointed boards and committee volunteers which will be published in the newspaper. The proclamation will be sent to all of the volunteers along with a letter of appreciation from the Mayor. The Council said they would like to see the Downtown Facade Committee Volunteers added to the list. Clerk Eddington said she would make sure they were included.

### **Arbor Day Proclamation**

A proclamation recognizing Friday, April 28th as Arbor Day was presented. Clerk Eddington said The Tree Board is inviting the public to attend the tree planting ceremony at 2:15 p.m. on the 28th at the Community Building. The invitation and proclamation will be sent to Labette Avenue for publication. Kindergarteners from Neosho Heights will be taking part again this year in the planting ceremony.

The City of Oswego has proudly received the Tree City designation for the past 27 years. Oswego is one of only four cities to receive this designation in the southeast Kansas region (made up of twelve counties).

Newby made a motion and Stickland seconded to approve all three proclamations with the addition of the Facade Committee to the Volunteer Week Proclamation as requested. Motion carried.

## **CITY ATTORNEY**

### **Ordinance – Mowing Assessment - 321 Commercial**

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. Clerk Eddington stated that the post office had only recently returned the billing statements that had been sent to the property owner last year. Chief Elliott said they had spent a lot of time trying to track down the owners who live out of state. Tynan made a motion and Davis seconded to pass the mowing ordinance. Motion carried. Clerk assigned the Ordinance # 1381.

## **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 Ted Hornung and Brenda Willis for reappointment to the Planning & Zoning Commission. Terms to expire May 2020.

### **Fees Resolution**

Clerk Eddington said the information in the packet regarding the fees resolution needed to be corrected. The packet said the Pool Manager suggested increasing the prices of pool parties from \$50 to \$65. Eddington said the current price is actually \$60 rather than \$50 so it would only be a \$5 increase. Eddington stated the Pool Manager had checked into pool party costs in the surrounding area and they are still above or well above \$65. This cost is for the first 35 people. For each person over \$35, the city was charging \$1. After re-evaluating the costs of the pool parties, it was recommended this be increased to \$1.50 as more staff would need to be called in to work.

### **Conditional Use Ordinance for 411 Michigan**

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OSWEGO, KANSAS AND PROVIDING FOR A CONDITIONAL USE PERMIT FOR CARL SOLOMON AT 411 MICHIGAN ST. IN OSWEGO, KANSAS was included in the consent agenda. Clerk Eddington stated the ordinance was included in the consent agenda since Council had approved the conditional use permit application last month from Carl Solomon but the ordinance had not been prepared at that time. The Council decided to include the condition that the CUP is only in existence while Mr. Solomon owns the property. This is reflected in the ordinance.

Mayor Cunningham asked for any additions or corrections to the Consent Agenda. As there were none Tynan made a motion and Vance seconded to approve the Consent Agenda as presented. Motion carried. Clerk assigned the Fees Resolution # 04-10-17A and the CUP Ordinance #1380.

## **OLD BUSINESS**

### **Condemnations**

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

Chief Elliott reported that the owner had done a lot of work on the house but there was still work to be done. The soffit is open to the house, there is a hole in the floor in the utility room and the kitchen sink needs replaced. Elliott stated if they fix the bathroom and kitchen it could possibly be ready to rent. Council said this house could serve a larger family and there aren't that many houses that large available for rent. After some discussion the Council agreed that they would like to see the owner continue working on the house but are concerned that he might quit working on it like he has done on some of his other properties. Council discussed that the house on Illinois Street was never completed and is still sitting

empty. Elliott suggested moving forward with the condemnation proceedings otherwise there would be no incentive for Thompson to finish the work. He offered to serve the papers to Thompson and reiterate the items on the list that still needed to be done.

A condemnation resolution had been prepared that allowed for an additional 30 days to repair or remove the structure. Elliott suggested making the deadline before the next Council meeting, rather than after, so that a decision could be made at the May meeting. Council asked Attorney Nodine if additional time was allowed if it could be less than thirty (30) days. Nodine said there were no regulations saying that additional time had to be allowed so it was at the Councils discretion as to how much time to allow. Elliott said the Friday before the meeting would be ideal which would be May 5<sup>th</sup>. Newby made a motion and Davis seconded to move forward with the condemnation by approving the resolution with a deadline of May 5<sup>th</sup> to get the work done. Motion carried. Clerk assigned the Resolution # 04-10-17B.

- **2212 4<sup>th</sup> St. – Judy Collins Wilson & Jvette Collins, owners**  
Councilman Strickland reported that the Coop is in the process of purchasing the property and plan on removing the structures themselves, with the stipulation that the city waives the condemnation fees to date (\$381.03) and pays the back taxes (\$1,360.48). Clerk Eddington said that the back taxes on the parcel involved in the condemnation process was \$737.43 but there is an adjacent parcel attached to the property that also has back taxes due in the amount of \$623.05. The total cost to the city would be \$1,741.51. Eddington stated Supt. Jurgensen estimates the demolition costs at around \$3,000. Tynan made a motion and Grassl seconded to waive the current condemnation fees and pay the back taxes. Motion carried. It was noted that the city shouldn't pay the back taxes until the sale of the property has gone through and questioned whether the city should wait until the Co-op has the structures torn down as well.
- **2108 4<sup>th</sup> St., - Larry & Jan Wimp, owners**  
Last month Council tabled the condemnation as the property was in the process of being sold. Since the last Council meeting, the property has sold and the Wimp's have paid the back taxes as well as the city's condemnation charges. The new owners, Albert & Peggy Strickland, have contacted B-3 to schedule a date to demolish the building(s) and plan to begin a general clean-up of the lot. Stricklands reported to Clerk Eddington that B-3 said they wouldn't be able to get to the demo until August.

### **Stone Hill Estates Property**

At last month's Council meeting it was decided to put the property up for auction. Chesnutt will hold the auction on April 22, 2017 at 2:00 p.m. Mayor Cunningham said that the Bond Counsel explained that proceeds of the sale do not have to be used to pay on the debt. He asked if Council wanted to consider using some of the funds to help get new businesses into town. He said that Wright Signs, who purchased Letter Perfect, were interested to know whether the city had any incentives if they decided to move their business to Oswego. Council discussed all the downtown businesses that have been lost recently.

At 7:25 p.m. the Mayor requested a ten minute break. The meeting resumed at 7:35 p.m.

Clerk Eddington said that the interest rate on the bond for Stonehill was 5.4%. Davis said that it was worth considering since the city doesn't have any money to help Wright Signs or any other business, however, he felt they would need public support. Council discussed some other ways they might get funding. Clerk Eddington said that a city cannot get a regular loan, it is not allowed. Cities can do lease purchase agreements. After much discussion no action was taken.

Council discussed whether they wanted to hold a special meeting at the auction. They said there may be some concession that the Council would need to consider such as vacating the plat. Davis said that the buyers don't get to set the criteria and that the property is being advertised "as is". After some discussion it was the consensus of the Council that they had no problem with vacating the plats. Newby made a motion and Strickland seconded to set a Special Meeting for April 25<sup>th</sup> at 6:00 p.m. to consider the successful bid. Motion carried.

### **Riverside Park Sign**

Clerk Eddington reported that Phil Blair suggested the new Riverside Park sign reflect the same type of stone work as the city's Welcome signs and the native stone in the park buildings. The Department Heads and Mayor discussed the suggestion at their meeting and decided to check in to what that would cost. Supt. Jurgensen said he received a verbal estimate from David Getman of around \$1,500 - 1,700 if the city would furnish the native stone. Clerk Eddington said the expense could come out of Sales Tax-Parks. Davis made a motion and Vance seconded to approve up to \$1,700 for the stone work on the Riverside Park sign. Motion carried.

### **NEW BUSINESS**

#### **Health Insurance Renewal Rates – MPR**

Clerk Eddington reported that the city budgeted for an increase of 10% for their health insurance renewal rate. The city offers their employees two plans. Midwest Public Risk has provided a renewal quote of a 4.7% and 3% increase depending on the plan. The rate includes a 1% discount due to a low three year usage rate. Eddington said other cities have said they are seeing anything from 5.6% to 9% increases.

In addition to providing health insurance, MPR also provides a vision plan and there is no rate increase to it this year. MPR provides assistance with the employee's Wellness Fair each year at no charge, an Employee Assistance Program, Administration of Retiree insurance coverage and Cobra. A meeting has been scheduled for MPR to meet with the employees to answer any questions before the enrollment deadline. This year, they have made changes again to the prescription drug plan. The rest of the plans coverage and out of pocket amounts (OAP-750 = \$3,250+copays and CF-1500 = \$3,000) stayed the same. Newby made a motion and Davis seconded to approve the renewal quote from MPR. Motion carried.

Clerk Eddington also asked Council to consider whether they wanted to continue the same rate of reimbursement on out of pocket expenses. The Health Insurance Premium Fund was established when the city went to the higher out of pocket insurance plans in order to save the city money on premiums. The balance of the account now is \$15,722.99. Currently, the employee is reimbursed at the rate of \$250 once they have met their deductible and \$500 toward

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their coinsurance once they have paid at least an additional \$500 out of pocket on top of their deductible. Eddington stated that an average of two employees a year (for the last five years) have qualified and utilized the reimbursement policy. Newby made a motion and Strickland seconded to approve the reimbursement policy. Motion carried.

### **Library Audit Report**

A written report from City Treasurer Peggy Strickland finding that the Library's financial records are in order and obligations are being met was presented for Council review. Treasurer Strickland agreed to work with a Library Board member to go over the library financials for the 2016 year. Clerk Eddington said that if the Council approves of the report as written, it will be placed in the file to show to the auditors. Vance made a motion and Strickland seconded to approve the Library's Audit Report. Motion carried.

### **INDIVIDUAL REPORTS**

**Jurgensen** – said the old red truck used in the public works department has been placed on Purplewave for auction. The bid is up to \$120.

**Strickland** – said the property at the airport could be used for industrial businesses.

**Elliot** – said he attended an Arm and Trigger Course. It was a good class.

- said the city hosted a class on safety and 37 County Officers attended. He said both Police and Fire Departments attended to work together for safety.

- held safety belt inspections near the schools and only found four violations. The KHP has donated a new radar valued at \$2,000.

- asked if he could be reimbursed for a new propeller for his boat. He used his boat to run the river for eight days looking for a missing person. The propeller was damaged in the process. He said it would cost approximately \$60 to replace it. Strickland made a motion and Grassl seconded to approve reimbursing Elliott for a new propeller. Motion carried.

- asked if Council would waive the deadline for him to take his excess vacation hours. He has been working the missing person case and is in the process of replacing an officer so he wasn't able to take the time off he had planned. Vance made a motion and Davis seconded to extend the time to take his excess vacation time until October 1<sup>st</sup>, 2017.

- said it was nice to hear the bells ringing again at the old Presbyterian Church.

**Newby** – asked about the KDHE 50/50 grant for the benches at the park. Clerk Eddington said they are supposed to be contacting her about the Tire Grant sometime this month.

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**Vance** – reminded everyone about the Drive Through Celebration of Jesus event at Riverside Park on Saturday from 5 – 7 p.m. She said she would get with Chief Elliott about traffic control and Supt. Jurgensen about possible lighting.

- asked if there was any place the city could store the scenery from the event. The garage next to the Fire Department was suggested.

- said she had checked in to a slide for the pool. A moderate slide was \$75,000 and a nice fiberglass slide was \$151,000 which doesn't include installation.

**Eddington** – said Councilmembers that have had any financial interest or business changes will need to fill out a new "Statement of Substantial Interest" form.

- said the 2017 Annual League meeting normally held in October is being held September 16 - 18 in Wichita this year. She asked anyone wanting to attend to let her know by June 1<sup>st</sup> as that is when cities can make hotel reservations and the conference hotel will sell out that day.

- said the annual Chamber Easter Egg Hunt is Saturday, April 15<sup>th</sup>. The committee working on the egg hunt asked if the city would like to donate \$25 – 50 for prizes. Tynan made a motion and Vance seconded to donate \$50 to the Easter Egg Hunt. Motion carried.

- said the City Wide Spring Clean-up is May 8-12<sup>th</sup>.

- reminded Councilmembers that need to file for office that the deadline is June 1, 2017.

- said she is planning to attend a Budget Workshop. She plans to ask questions and said it would help to know if Council is willing to go to an election this year to raise the mil levy about the CPI, if the budget comes out that way. She stated the County has said they are not doing an election for the 2018 budget. It was the consensus of the Council that they did not plan to go to an election this year.

**Cunningham** – asked where the city was on the LMI Survey. Clerk Eddington said it was at 38% and it has been a lot more difficult than expected to get the necessary responses.

**Strickland** - said there have been complaints about the water quality. Supt. Jurgensen said they have changed some of the chemicals they have been using and it should help.

## **ADJOURNMENT**

Mayor Cunningham asked if there were any comments from the public on city business. Pat Hendrickson asked about recycling plastic bottles. Clerk Eddington said they have checked in to it in the past and no recycling business was interested in coming but would look in to it again. As there was no further business, Tynan made a motion and Strickland seconded to adjourn the meeting at 8:40 p.m. Motion carried.

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Mayor F.W. Cunningham, Jr.

Attest:

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Deputy City Clerk Renee Cochran