

Regular Council Meeting
May 8, 2017 6:30 p.m.
City of Oswego, KS 67356

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

Absent: David Newby & Caleb Strickland

Also present: City Clerk Carol Eddington, City Superintendent Calvin Jurgensen, Police Chief George Elliott, City Attorney Lucas Nodine, Fire Chief John Strickland, Elizabeth Gravett, Larry Richardson, Carole McKinley, Pat Hendrickson, Mary George, Paula Kern, Steve McBrien, and Jennifer Hine

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Pastor Steve McBrien gave the opening prayer and City Clerk Carol Eddington led the Pledge of Allegiance.

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).

The Consent Agenda also included the appointment of Sharolyn Phillips to the Tree Board. Her appointment will expire 1/2019. Vance made a motion and Tynan seconded to approve the Consent Agenda as presented. Motion carried.

OLD BUSINESS

Condemnations

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

Chief Elliott reported that he inspected the property the morning of council meeting. He stated that Thompson had done a lot of work on the house. There were some issues with a window latch and door lock that Thompson said he would take care of. A pile of trash was left on the North side the house that he told Thompson needs to be cleaned up. Chief Elliott said Thompson has added fixtures in the bathroom, updated the plumbing and holes in the floor have been fixed. He does not consider this as a condemnable house any longer. He stated that there would have to be a Minimum Housing Code inspection if Thompson wanted to rent out the property.

Chief Elliot and Supt. Jurgensen met with Mr. Thompson at 4 Michigan, another of Thompson's properties. This property has had issues with the sewer lines not being hooked up properly. They told him what repairs needed to be done. Thompson said he would begin working on this property as well. Chief Elliott and Supt. Jurgensen will inspect the property at a later date.

Tynan made the motion and Grassl seconded to remove 123 Union from the condemnation list. Motion carried.

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

At the April council meeting Council determined to pay the back taxes and waive the condemnation fees to date (A total of \$1,741.51) on this property to help facilitate the sale to someone who will then complete the demolition of the structures. Clerk Eddington recommended Council stipulate (by a motion) that the city will not pay for the back taxes until the sales transaction of the property is completed, the house is demoed and the property is cleaned up.

Staff had checked last week and no new deed had been filed at the Register of Deed's Office. Councilman Davis questioned why the city was paying the back taxes. Mayor Cunningham stated that Council had approved to pay the back taxes and waive the condemnation fees because it would be cheaper than going through the condemnation process and paying demolition fees. It was a condition of the sale brought to the Council by Councilmember Strickland. Davis made the motion and Tynan seconded to place the stipulation where the city does not pay the back taxes until the transaction of the property is completed, the building is torn down and property is cleaned up. Motion carried.

Stone Hill Estates Property

At the April 25th special Council meeting it was decided to accept the bid offer from Bill Owens for \$90,000. There was also discussion about possibly using the proceeds of the sale for economic development instead of paying off the bond issue. Clerk Eddington reminded Council that the bond payment comes out of the proceeds of the sale of the Grainger property out of the Housing Development Fund (now that the Electric Fund is depleted). It is not a tax supported fund and is a finite amount. There are only enough funds to make 4 years of bond payments – at which time, the city would still owe \$127,000 in principal with no other resource set aside for making these payments.

There is an interest payment due June 1st but with the 45 day notification waiting period before a bond can be paid off, the city would have to set the payoff date for July 1st. If the council chooses to pay off the bond issue with the proceeds of the sale, we could try for a June 1 payoff and save the city \$690.33 in interest vs a July 1 payoff date. (That is if the bond holder agrees to waive the 45 day period) Bond Counsel, Kevin Cowan, has left a message for the bond holder to call him back. Clerk Eddington has spoken with Bill Owens and he thought they could close by the end of May.

In discussion options with Cowan, he said we could set up a smaller economic development bond issue if the Council wanted to. It would be at a lower interest rate than the property bond issue. The bond issue for the property is taxable and therefore a higher interest rate. Tynan made the motion and Davis seconded to approve paying off the bond issue, as soon as it can be set up, using the proceeds from the sale of the property. Motion carried.

NEW BUSINESS

Sewer Camera Machine

Supt. Jurgensen has previously discussed with the Council purchasing a sewer machine with the City of Altamont. He and the Altamont City Superintendent have done research and checked out other machines over the last year and agree that the VeriSight 360 (from Key Equipment) best suits the needs of both cities. The City of Altamont has approved the joint purchase of the sewer camera contingent upon Oswego's approval.

Supt. Jurgensen shared that this camera has a lot of features that a \$70,000-\$80,000 camera has on it but costs less and can be hauled in the back of a pickup truck. It can take pictures, videos, measure dimensions, turn corners, and also has the capabilities to go 360 degrees. The camera can fit in anywhere from a 4 inch to a 16 inch pipe and can go up to 330 feet. It was questioned how big the normal pipes are that are in the city that the city maintains. Supt. Jurgensen stated the most of the main lines are 6 inches with residential being 4 inches. Another benefit for this camera is if they were ever to have to have service maintenance on the camera they would come from the Kansas City area. All of the other suppliers are out of state and weren't even willing to travel to the area to provide a demonstration of their equipment.

Councilmember Davis stated that this would be a good asset to the community and he feels the city has needed one for a long time. Attorney Nodine asked if there was a written agreement between the two cities for the equipment use. Council consensus was that there needed to be one. Davis made the motion and Tynan seconded to move ahead with the purchase of the sewer camera machine in conjunction with the City of Altamont for \$4,725.00 in addition to the proceeds from the wood chipper, and that there needs to be a written agreement between the two cities for the shared use of it. Motion carried. Attorney Nodine will work on a written agreement.

Friends of the Library Boot Block

The Friends of the Library group has submitted a request to hold a boot block on Saturday, June 10, 2017. Tynan made the motion and Vance seconded to approve the application for the boot block. Motion carried.

Election of Council President

Councilmember Vance questioned electing a President now since the elections have changed to November and wondered if the timing of electing the Council President should change as well. Clerk Eddington stated that the new election laws do not stipulate when Governing Bodies do this. It is up to the city. If Council would like to change the dates, for the upcoming year it is up to them. Vance made the motion and Davis seconded to leave Darren Tynan as Council President until January when the newly elected Council takes office. Motion carried.

Staff Appointments & Complimentary Appointments

Clerk Eddington reported that the other cities, she polled said they are keeping their staff appointments in May. This way the new Governing Body can become familiar with

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department heads before appointment time. Mayor Cunningham submitted staff and complimentary appointments for Council approval. Vance made the motion and Tynan seconded to approve all appointments submitted by the Mayor. Motion carried.

Mayor Cunningham swore in the following appointees. Carol Eddington- City Clerk, George Elliott- Police Chief, Calvin Jurgensen- City Superintendent, John Strickland- Fire Chief, and Lucas Nodine- City Attorney. Those also re-appointed were Peggy Strickland- City Treasurer, Fred Johnson- Municipal Judge, Tracy Brannin, Chief George Elliott, and Supt. Jurgensen- Code Enforcement Officers, Supt. Jurgensen- Zoning Officer and Clerk Eddington- Zoning Administrator. Mayor Cunningham appointed the Labette Avenue as the official city newspaper; Labette Bank as official depository and Commercial Bank as the petty cash depository.

Senior Citizen Building

Some of the members of the senior citizens group attended the meeting to discuss the condition of their building. Carole McKinley shared that the members have put in new floors, painted, bought new chairs/tables and redone the plumbing. There are several minor things that need to be fixed on the ceiling, floors, walls and some electrical work. Council viewed photos taken by Supt. Jurgensen of the inside of the building prior to the meeting. Supt. Jurgensen stated that there were wires showing in some places and the plug-ins in the kitchen have some issues. Carole also mentioned that the senior citizens group would purchase all of the materials for the work but was asking if the city employees could do the repairs - when they are not busy. Clerk Eddington stated that even though the City owns the building and property the city has never been responsible for the maintenance and upkeep of the building - that the senior citizens have been in charge of all of that. There was an initial agreement when the city purchased the building for the seniors that the center would pay the city \$100.00 month for utilities and insurance and the Seniors would take care of the building. However, she could find nothing in writing that spells this out.

Discussion was held on whether the city could do the work or contract it out. Supt. Jurgensen asked if they still rent out the building and Carole McKinley said yes for \$50. Council felt that the Senior Citizens Center is a big asset to the community. Clerk Eddington stated the city hadn't been budgeting for repairs until the Senior Citizens came to the city about assisting with the cost of a new roof. The city then began budgeting \$2,000 for the building each year for future expenses and \$2,680 as a repay to Capital Improvement for the roof. Supt. Jurgensen is to meet with the representative of the center to make a list of all needed repairs. Carole McKinley said that Shirley O'Neal would meet with him.

CITY ATTORNEY

Ordinance- Vicious Animal

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2 OF THE CODE OF THE CITY OF OSWEGO, RELATING TO VICIOUS DOGS, AS DEFINIED WITHIN THE CODE. This

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ordinance is adding the option of microchipping a vicious dog. The current ordinance states that the animal must be tattooed. Microchipping would be an alternative to that. This is for any animal that the police department deems vicious according to the current regulations. Vance made motion and Grassl seconded to pass ordinance. Motion carried. Clerk assigned the Ordinance number 1382.

Ordinance- Minimum Housing

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 4 OF THE CODE OF THE CITY OF OSWEGO, RELATING TO MINIMUM HOUSING CODE. The city's policy has been to inspect a residence before it can be occupied if it has been vacant for six months or more but it was not in writing. This ordinance puts it in writing. When a residence is unoccupied for 6 months, it is required for the structure to have an inspection by a public officer before public utilities can be reconnected. Tynan made the motion and Grassl seconded to pass the ordinance requiring a Minimum Housing inspection of a house that has been vacant for 6 months before the utilities can be reconnected and that a \$25.00 fee will be charged for the inspection. Motion carried. Clerk assigned the Ordinance number 1383.

Ordinance – Condemnation Assessment - 325 Merchant

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 325 Merchant was presented for approval. The ordinance covers unpaid condemnation and demolition charges for the structure at 325 Merchant. Tynan made a motion and Davis seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance number 1384.

INDIVIDUAL REPORTS

Eddington – said she has the information for filing of candidates if anyone is interested.

ADJOURNMENT

Councilmember Vance didn't feel well and left the meeting at 7:41pm. There no longer being a quorum present, Mayor Cunningham adjourned the meeting.

Mayor F.W. Cunningham, Jr.

Attest:

Jennifer Hine