

Regular Council Meeting  
June 12, 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, Police Chief George Elliott, City Attorney Lucas Nodine, Deputy Clerk Renee Cochran, Elizabeth Gravett, Larry Richardson, Roger Vance, Carole McKinley, Pat Hendrickson, Paula Kern, Trenton Franklin, Mary Dalton, Clint Hanigan and Pastor Jonathan Scheck.

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

Pastor Jonathan Scheck, Lutheran Church, gave the opening prayer and Councilmember Darren Tynan led the Pledge of Allegiance.

### **PETITIONS, DELEGATIONS and PUBLIC HEARINGS**

#### **Public Hearing on Vacating Plat – Stone Hill Estates**

Mayor Cunningham opened the public hearing to allow comments on vacating the plat of the Stone Hill Estates property. As there was no one in attendance to discuss the matter at that time, the Mayor determined to leave the hearing open until later in the meeting.

#### **Temporary CMB License Application – Labette County Fair Board**

Clint Hanigan, Labette County Fair Board member, attended the meeting to answer any questions the Council might have about their request for a temporary CMB License for the week of the fair. Hanigan said that they are making no changes to the license application this year and are requesting that the entire arena area be designated as the beer garden again this year. Chief Elliott said that they have not had any problems with the beer garden. Clerk Eddington reported that all CMB applications are sent to the Police Chief, Fire Chief and City Attorney for review and approval before being submitted to the Council for consideration. All three have approved of the Fair Board's application. Tynan made a motion and Strickland seconded to approve the application. Motion carried with Vance and Grassl opposing.

### **CITY ATTORNEY**

#### **Ordinance – Mowing Fees Property Tax Assessment**

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 April 25, 2017 was presented for Council approval. Statements were sent to the owners of the properties and it is now beyond the 30 day window to pay them. Tynan made a motion and Grassl seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance #1385.

#### **Agreement with Altamont – Sewer Machine**

Last month, Council agreed to a joint purchase with the City of Altamont and asked the city attorney to prepare an agreement between the two cities. Attorney Nodine prepared an agreement to purchase a sewer camera machine with the City of Altamont and the agreement was included in the Council packet. The document included items that both city superintendent's had discussed and agreed upon.

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Attorney Nodine reported that a copy of the draft agreement was sent to Altamont's City Attorney and City Superintendent. They thought the agreement was acceptable and plan to submit it to their Council at their next meeting. Tynan made a motion and Davis seconded to approve the agreement with the City of Altamont for the purchase and use of the sewer camera machine. Motion carried.

### **Executive Session**

At 6:42 pm Tynan made a motion and Grassl seconded to go in to Executive Session to discuss personnel matters of non-elected personnel for 15 minutes with Council the Mayor and City Attorney. Motion carried. The meeting resumed at 6:57 pm. There was no action taken.

### **Public Hearing on Vacating Plat – Stone Hill Estates**

Mayor Cunningham again asked if there was anyone that had any comments or interest in the public hearing to vacate the Phase I Plat of the Stone Hill Estates Subdivision. As there was no one in attendance the Mayor closed the public hearing at 6:58 pm.

### **Ordinance – Vacating Plat for Stone Hill Estates**

An ordinance to vacate the plat for the Stone Hill Estates was presented as the Public Hearing closed without opposition. If approved, Clerk Eddington stated the ordinance will be published and then filed with the Register of Deeds. Davis made a motion and Tynan seconded to approve the ordinance as presented. Motion carried. Clerk assigned the Ordinance #1386.

### **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).

Councilmen Strickland questioned an item in the minutes of the May 8<sup>th</sup> Council meeting as he was not in attendance at that meeting. He stated his recollection was that Council had determined to pay the back taxes on the Collins property at the April Council meeting. At the May 8<sup>th</sup> meeting Clerk Eddington made the recommendation Council stipulate by a motion that the city not pay the back taxes until the sales transaction was completed, the house demoed and the property cleaned up. Council agreed. Strickland said it was his understanding that the back taxes would be paid at the time of the agreement and was concerned a delay could cause the deal to fall through or at least hinder the process. He stated that the Bartlett Co-op was a valuable business and did not want to discredit them in any way.

Clerk Eddington said that the motion to pay the back taxes did not include a time frame and it was her duty to look out for the best interest of the city and taxpayer dollars. Mayor Cunningham said if the deal would fall through after the taxes were paid, the city would have no way to recoup those funds. He said he had discussed the decision with the Co-op and they didn't have any problems with it.

After further discussion Tynan made a motion and Vance seconded to approve the Consent Agenda. Motion carried.

## **OLD BUSINESS**

### **Senior Citizen's Center Repairs**

A list of items that need to be repaired at the Senior Citizen's building was presented for Council consideration. Supt. Jurgensen prepared the list after looking over the building. He placed the repairs in order of importance as he sees it. Clerk Eddington reported that Jurgensen did not have an estimate of how much it will cost since he doesn't do this type of work. She stated the city has funds in Capital Improvement that can be used for the project. Council discussed whether city staff might be able to do the work or whether it would be better to go out for bids. After further discussion the consensus was that it would be better to go out for bids since the Council has the ability to either accept or reject the bids.

The Senior Citizen Board President Carole McKinley was in the audience and said she had not seen the list. After looking over the list it was decided to table the issue until after the Senior Citizen's had their board meeting later in the week. They will determine if there is anything else that needs to be added and whether the organization will be able to help pay for the repairs.

### **Code Violations**

#### **813 First St. – Clower**

A nuisance violation letter was presented for Council approval. Clerk Eddington reported that Bradley Clower, owner of 813 First St., was sent a courtesy letter on May 12, 2017 upon the city receiving a complaint about the condition of the property on May 9th. The date for the violations to be taken care of was May 22<sup>nd</sup>. Clower contacted the city on the 23<sup>rd</sup> and requested an extension of time saying that he would have all of the violations taken care of by June 6, 2017. As of June 6, 2017, Code Enforcement Officer Brannin reported that all of the violations still exist. Council viewed photos of the property taken on June 6<sup>th</sup>.

It was discussed that there are other properties in town that are just as bad or in worse condition. Everyone agreed but Councilmember Vance noted that a complaint has been received on this property. The violation letter allows for another 10 days for the property owner to have the violations abated. Tynan made a motion and Vance seconded to send the violation letter. Motion carried with Strickland opposing.

#### **404 Wisconsin - Collins**

The city received another complaint about the condition of this property. The neighbor who called in also reported that as of June 5<sup>th</sup> no one had been living in the house for over a week. Clerk Eddington reported that Supt. Jurgensen stated that he intends to treat it as a continuation of a prior violation order since it hasn't been very long ago that the city was dealing with a nuisance on this property. He said they plan to send a violation letter to the owners stating that they have 10 days to have the nuisances abated or the city could come in and clean up the property as before. Tynan made a motion and Strickland seconded to send a violation letter as a continuation of the prior violation order. Motion carried.

## **NEW BUSINESS**

### **Solid Waste Committee Appointments**

The Mayor submitted for Council approval the appointment of Jay Trower, Danny Turner and Calvin Jurgensen to the Solid Waste Committee. Labette County Commissioners are asking cities for new appointments as they are “re-vamping” the committee and need appointees that will make it a priority to attend the meetings. All three have agreed to serve on the committee.

Clerk Eddington reported that the City of Oswego can have up to 3 people on the committee. Parsons can have up to 5. The Committee expects to meet once a month for a while as there are some things that they need to accomplish. Mayor Cunningham noted that one of those things is the refunds due to cities that utilize the transfer station - which has not been done for a while. Tynan made a motion and Vance seconded to approve the appointment of these individuals to serve on the committee. Motion carried.

### **2017 Street Improvement Project**

A map showing the streets Supt. Jurgensen is proposing for this year’s street project, using the Micro-Surfacing technique, was presented for Council review. The streets have been overlaid before and are now beginning to get porous. The estimated cost of the project is \$128,420. Clerk Eddington reported there is currently \$243,337 in the Sales Tax – Streets Fund. The budget for this year is \$255,000.

Council questioned why these particular streets were chosen and asked if it would be possible to view photos or videos that would support the need for repairs. Council was also concerned that the fund could become depleted if more was being spent each year than the amount of tax revenue that is received. This could cause a problem down the road. Clerk Eddington reported that there are times when the street projects cost more than the revenue that came in that year but then the expense is adjusted the following year(s). The city could not spend more than was budgeted or funds available. It was the consensus of the Council to wait until Supt. Jurgensen was in attendance so they could ask more questions about the streets that were chosen.

### **LCC CTE Agreement**

The annual CTE Agreement with Labette Community College was presented for Council approval. Clerk Eddington stated that through this program, city employees can take classes through the college tuition free and there is no cost to the city. This has been especially helpful to the swimming pool employees, fire department, police department and golf course summer help. Tynan made a motion and Newby seconded to approve the CTE Agreement. Motion carried.

### **Oswego’s 150<sup>th</sup> Birthday Celebration**

Mayor Cunningham and Clerk Eddington met with Phil Blair to discuss the upcoming city birthday celebration. Eddington reported that Mr. Blair and several committee members are making preparations for the event(s). They are planning a celebration in Riverside Park on the

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actual birthday of Thursday, August 10<sup>th</sup> in Riverside Park, or the 11<sup>th</sup> or 12<sup>th</sup> if there is inclement weather.

The Committee is asking if the city will provide cake and ice cream for the event as well as a P.A. system and a free swim that evening from 6:30 to 7:30 pm. They are also planning two or three special events at a later date and would like free use of the community building if possible. Chief Elliott will be assisting with a Fishing Derby; there are plans for a Golf Tourney as well as a guided tour of the cemetery and other events. The Council was very supportive and wanted to make sure all of the events are well advertised. Tynan made a motion and Newby seconded to approve of the Committees requests. Motion carried.

### **Painting Caboose – Extension**

Triple H Services has requested an extension until July 14<sup>th</sup> to finish painting the caboose. The Notice to Proceed, that was signed by the Mayor and Triple H Services on May 3<sup>rd</sup>, states that the project is to be completed by June 8<sup>th</sup>. The contract agreement also states the project is to be completed within 30 days of good working weather. Since we have not had that, Triple H is requesting an extension until July 14<sup>th</sup> to be on the safe side. Now the concern will be the higher temperatures as he will have to paint in the mornings and evenings when it is hot. Newby made a motion and Grassl seconded to approve an extension to July 14<sup>th</sup> for finishing painting the caboose. Motion carried.

### **INDIVIDUAL REPORTS**

**Elliott** – said that as of Dec. 31, 2017 the city will have to allow concealed carry in the buildings unless there are officers posted at the entrances and everyone is screened for weapons. He has purchased a wand and plans to use it during court and council meetings. All doors but one will be locked and the officer(s) will be scanning individuals as they enter the building. Elliott said it wasn't feasible to have an officer available every day during regular business hours. Chief Elliott also said there are a lot of questions and problems with the new gun laws and he wants to wait until the December meeting to see what the Governor decides between now and then.

**Strickland** – asked what the status was regarding allowing chickens in town. Mayor Cunningham said that he will be meeting with the Planning & Zoning Commission. They have been waiting to make a decision when someone actually makes a formal request and he plans to do that.

- asked about the hospital's property where they started building a new hospital. Clerk Eddington said it was reported that they are still hoping to build a hospital sometime after the first of the year. They were sent a letter and have mowed the lot. Council discussed that the property belongs to the hospital and said that they want to encourage them, especially with the difficulties in the health care industry.

- said he would like to receive the packet earlier in the week.

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- said he was asked about the Park Shelter Project by someone in Edna. He said they recommended water features and toys that would appeal to the younger generation at the pool. Council discussed that they would like to see that too but after Vance looked into the cost of a new slide it didn't seem feasible. They also discussed other less expensive ideas and additional shade.

**Newby** – said there have been concerns from the public about stray cats. Chief Elliott said he has tried trapping them but he was contacted by the Humane Society. They want the city to fix the animals and then set them loose to keep the rodent population down. Council asked how much that would cost. He said it is approximately \$35 to neuter and \$80-85 to spay.

- asked about putting up a banner over the four-way stop during Fair Week. Chief Elliott said the poles that had been there and was used for that in the past are gone and it is a long stretch across the highway. Council liked the idea if there was a good way to get it done.

**Vance** - asked what Rodney Kelly was doing with the old hospital property. Chief Elliott said Mr. Kelly has been talking about reroofing. He was looking in to making it in to apartments but thought the property taxes would be too high.

- said Aqua Aerobics will start Tuesday night. Classes will be Monday, Tuesday and Thursdays 5:30 – 6:30 pm and Wednesdays 4:15 – 5:15 pm. She said this is her 8<sup>th</sup> year and she doesn't receive any pay for teaching the classes. She asked if she could receive a free family pass for her, her spouse and grandchildren as she has in the past. Grassl made a motion and Tynan seconded to award Vance a free swim pass as requested. Motion carried with Vance abstaining.

**Elliott** - said he had received an application for a fireworks permit from Jakes Fireworks. He had not had time to check it out yet but asked for Council approval as long as everything checked out. Davis made a motion and Newby seconded to grant the permit for Jakes Fireworks with Chief Elliott's approval. Motion carried.

Mayor Cunningham asked if there were any comments from the public before he and Clerk Eddington finished the meeting with their comments.

**Kern** – thanked the Council for allowing the Friends of the Library to hold a boot block. They raised \$1,278.44.

**Mayor Cunningham** – said he would not be at the next meeting or two due to some surgery.

**Eddington** – said she has been working on the budget and the outlook is not good but she has some work left to do on it. She has contacted the state about some questions and she will have the preliminary budget ready for the next Council Meeting.

- said thanks to Councilmember Strickland the city has saved some money on condemnation costs the city was going to have by getting the properties sold. She asked if there are a couple of

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other buildings that Council feels they need to consider condemning. She said the Code Enforcement Officers are also looking in to it.

- said the Waste Tire Grant was approved and the table and chairs are to arrive by the end of the month.

- said the city received a dividend check from EMC (property & liability ins.) in the amount of \$11,554.

- reminded Councilmembers that the City Wide Pool Party was coming up on June 23<sup>rd</sup> and the 4<sup>th</sup> of July celebration will be held on July 3<sup>rd</sup>.

**ADJOURNMENT**

As there was no other business Mayor Cunningham asked for a motion to adjourn. Newby made a motion and Vance seconded to adjourn the meeting at 8:36 p.m. Motion carried.

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Mayor F.W. Cunningham, Jr.

Attest:

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Deputy City Clerk Renee Cochran